

*The Judiciary, State of Hawaii*

**Testimony to the House Committee on Human Services**

The Honorable John M. Mizuno, Chair  
The Honorable Tom Brower, Vice Chair  
Thursday, April 22, 2010, 11:00 a.m.  
State Capitol, Conference Room 229

by

Thomas R. Keller  
Administrative Director of the Courts

**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** Senate Concurrent Resolution No. 91, S.D. 1, Authorizing an Investigating Committee to Investigate Contested Child Custody Proceedings Involving Proceedings Involving the Commission of Family Violence by a Parent, and to Assess the Use and Application of Section 571-46, Hawai'i Revised Statutes.

**Judiciary's Position:**

The Judiciary takes no position regarding designating the Senate Human Services Committee as an investigating committee to assess the effect of domestic violence in contested divorce cases involving the application of the custody factors in Section 571-46(a).

However, we respectfully suggest a slight change in the language of the SCR91 SD1, page 2, paragraph #6 (lines32-33), which currently reads: "BE IT FURTHER RESOLVED that the Judiciary is requested to assist the investigating committee in this endeavor;..."

Instead, we suggest: "BE IT FURTHER RESOLVED that the Judiciary is requested to cooperate with the investigative committee's requests for data and information regarding contested divorce custody cases filed in family court."

The current SD1 language could be misconstrued as requiring the Judiciary to take part in a legislative process. Also, it may undermine the perception of the investigation if it were to appear that the Judiciary is investigating itself. Our suggested language, however, more accurately reflects the likely intent of SD1.

Thank you for considering this amendment.

**From:** Robin - AngelGroup [mailto:robin@angelgroup.org]

**Sent:** Tuesday, March 23, 2010 4:50 PM

**To:** Rep. Kyle Yamashita; Rep. Ryan Yamane; Rep. Jessica Wooley; Rep. Gene Ward; Rep. Glenn Wakai; Rep. Clifton K. Tsuji; Rep. James Tokioka; Rep. Cynthia Thielen; Rep. Roy Takumi; Rep. K. Mark Takai; Rep. Joseph Souki; Rep. Maile Shimabukuro; Rep. Calvin Say; Rep. Scott Saiki; Rep. Roland Sagum; Rep. Karl Rhoads; Rep. Kymberly Pine; Rep. Marcus Oshiro; Rep. Blake Oshiro; Rep. Hermina Morita; Rep. Mark Nakashima; Rep. Angus McKelvey; Rep. Barbara Marumoto; Rep. Joey Manahan; Rep. Michael Magaoay; Rep. Sylvia Luke; Rep. Marilyn Lee; Rep. Gilbert Keith-Agaran; Rep. Jon Karamatsu; Rep. Ken Ito; Rep. Robert Herkes; Rep. Sharon Har; Rep. Faye Hanohano; Rep. Lynn Finnegan; Rep. Denny Coffman; Rep. Pono Chong; Rep. Isaac W. Choy; Rep. Corinne Ching; Rep. Jerry Chang; Rep. Mele Carroll; Rep. Rida Cabanilla; Rep. Tom Brower; Rep. Della Belatti; Rep. Karen Awana; Rep. Henry J.C. Aquino

**Subject:** \*\*\*\*\*SPAM\*\*\*\*\* Hearing request for SCR91 (HCR81)

Hello Representatives:

I am writing to request you encourage **Senators Chun-Oakland and Tanaguchi to set a hearing for SCR 91 (HCR81), Audit of the Family Court.**

This measure is of paramount importance to court clients statewide, as well as financial relief for social services already burdened.

The deadline is approaching quickly and we need your voices to be heard in support of your constituents who are calling for accountability.

Do not let this opportunity to improve Hawaii's future pass without your involvement.

In appreciation of your support,





April 22, 2010

Testimony is STRONG Support of SCR91

Dear Legislators,

It has become overwhelmingly apparent that there is good cause and undeniable need for SCR91's Senate investigation. It is also transparent that there is strong **covert** opposition to SCR91; opposition that doesn't wish to make it's position official but would rather pull political strings outside of the eye of public scrutiny. This should be given due weight when casting a "Yes" vote for SCR91.

For the record, AngelGroup stands by all testimony and letters previously submitted.

Since inception of SCR91, many more victims of Domestic Violence and Family Court have courageously stepped forward. Their bravery should be commended and duly rewarded with SCR91's rightful passage. More Angels are waiting in the wings...

Many 'professionals' have also come forward; albeit, unofficially. They too are fearful of the reality of judicial retaliation. When SCR91 passes, there is no doubt in my mind that I can hand over the testimony of a few of these professionals, plus the testimony of their clients. Two psychologists have stated they've had **HUNDREDS** (150 and 250 respectively) of court clients under their care that have suffered at the hands of renegade judges who refuse to follow the law. This must be stopped. These survivors of Domestic Violence must **not** be re-terrorized and re-victimized via Family Court. **Even more importantly, their children should not be subject to continual abuse because custody was given to the abusive parent.**

I've attached an article by respected Ph.D. Jeanne King called, **Domestic Violence Divorce – How Abusers use the System to Invalidate Violence Survivors.**

It addresses the 'tip of the iceberg' in terms of what hundreds of Family Court clients have suffered. The legal application of the 'rebuttable presumption', which was intended to stop DV instead of making it another point of litigation, would eliminate in great part, the ability of the Abuser to manipulate and control the DV Survivor again and again via Family Court.

Thank you for your support of SCR91 and in helping us save the children who **literally** cry everyday to return to the safety of their Protective Parent. You are protecting Hawaii's future and we are grateful.

Respectfully,  
AngelGroup

## **Domestic Violence Divorce - How Abusers Use the System to Invalidate Domestic Violence Survivors**

*by Dr. Jeanne King, Ph.D., April 2010*

**V**ictims of domestic abuse reach out to the system for help in stopping the abuse perpetrated upon them. This can involve both healthcare and law enforcement. Yet, what actually happens, more often than most people know, is that these so-called "helpers" can be used to perpetuate domestic violence "legally" during divorce.

In healthcare, it's the psychologists and psychiatrists. These healthcare providers are frequently manipulated by abusers to aid them in establishing false claims about the domestic abuse survivors that they batter and control.

### **Psychiatric Diagnosis as Batterer's Club in Domestic Violence Divorce**

Almost daily, I am sought out by a domestic violence survivor seeking help from being falsely accused of being mentally ill. In many of the cases, the mental healthcare diagnostics appear to be grossly improper.

But that doesn't prevent a court from making determinations about the accused. In many of these cases, the battered mothers (and abused fathers) are faced with losing custody of and, in some cases, even the essential moments of simple human contact with their children.

Once judicial decisions are made, remedies can be added on and on...with no regard for the accuracy of the original foundation underlying the initial judicial decision. We have seen domestic violence victims prevented from having unsupervised or any access to their abused children because of a clinical psychiatric diagnosis.

The sad thing here is that those directly negatively impacted, like the protective parent and children, are unaware of this ploy during its set-up and ultimate execution. Often they go along with certain procedures trusting in their sanity and hoping for justice to prevail. Then, the day comes when they awaken to the fact that they have been re-victimized by their abuser's manipulation of the psychologists and psychiatrists.

### **Psychiatric Re-victimization To What End**

Now you'd think that if the batterer is getting a divorce and seeking to move on with their lives, then the victim's declared mental health status would be of no interest to him/her. Wrong...completely wrong!

By establishing for "the record" that the domestic violence survivor is "crazy," the abuser leverages their ability to regain and maintain control over the family...and most importantly, control over themselves, or at least control over their public image. Many people will tell you that the legal psychiatrics of a case are nothing more than to save face for the batterer.

The abuser seeks to walk away looking good and certainly not being an abuser. To this end, they must make the victim to be "bad"... "wrong"... "crazy." Essentially, the abuser enlists (directly or indirectly) the healthcare provider to discredit the victim in order to invalidate who she/he is and what she/he stands for with respect to being a domestic abuse survivor.

## **Domestic Violence Divorce - How Abusers Use the System to Invalidate Domestic Violence Survivors**

If you are a domestic violence survivor and have been threatened with losing custody of your children and the credibility of your mental health status, seek to understand how batterers manipulate healthcare providers to establish false claims. And as you learn about the reality of what's before you, find a credible professional to help you prevent this life-changing destructive legal psychiatric ploy. The sooner you become proactive in preventing the establishment of false claims, the easier you can prevent them from defining your life and limiting your liberties.

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### **Biography of Jeanne King, Ph.D.**

*Dr. King serves as a consulting expert in criminal and civil cases of family violence, and offers keynotes and training for government and healthcare organizations nationwide. She has been featured in dozens of newspapers and appeared on numerous radio and TV talk shows across the country. Her work is known as the bridge between psychology, healthcare and domestic abuse advocacy.*

*Dr. King received the **Heart of Gold Award 2006** for outstanding humanitarian contribution by T Harv Eker Peak Potentials Training in recognition for her work in domestic abuse education with healthcare professionals.*

*Her groundbreaking book **All But My Soul: Abuse Beyond Control** has been used as a college textbook in criminal justice and has helped thousands of people break the cycle of abuse and reclaim a life of peace, dignity and respect.*

*Dr. King developed the **Intimate Partner Abuse Screen®**, which is an assessment tool that makes detection of intimate partner violence more expedient and accurate in both professional and personal use. It is the first tool to clearly bring to light the subtle communication patterns of intimate partner violence.*

*Dr. King earned her doctorate degree in Psychology from Northwestern University. She was founding director of the Chicago Center for the Treatment of Pain and Stress, and past president of the Illinois Biofeedback Society. Before shifting her focus to helping abuse survivors and their advocates, she pioneered the **Biofeedback and Stress Reduction Program®**, conducted in hospitals with thousands of patients for the treatment of pain, stress and illness.*



TO: Chair Mizuno, Vice-Chair Brower and Committee Members

FR: Jane Seymour, Hawaii State Coalition Against Domestic Violence

LATE

Hearing date and time: Thursday, April 22, 2010 @ 11:00am

RE: Support for SCR91: Family Violence Audit in Family Court

Aloha, my name is Jane Seymour and I am representing the HSCADV, a private non-profit agency which serves as a touchstone agency for the majority of domestic violence programs throughout the state. For many years HSCADV has worked with the Hawaii Legislature by serving as an educational resource and representing the many voices of domestic violence programs and survivors of domestic violence.

HSCADV supports SCR91.

Family court cases that involve domestic violence present specific challenges. Growing trends in family court include joint or shared custody and the use of parenting plans. While these may be appropriate for non-violent families, it is essential that child custody cases involving domestic violence be treated differently.

Several studies suggest that about half of men who batterer their partner also abuse their children. Additionally, perpetrators of domestic violence often use the family court system, including custody and visitation orders to continue to abuse the victim. In child custody cases involving domestic violence, the primary concern should be the safety and well-being of the victim and the children.

It is essential that those involved with family court, including judges, evaluators, lawyers, and service providers have as much information as possible in order to minimize the safety risks to women and children from abusive fathers. This study will provide crucial data on child custody proceedings and domestic violence.

We encourage you to pass SCR 91. Thank you for the opportunity to testify.

**From:** Dara Carlin, M.A. [mailto:breaking-the-silence@hotmail.com]

**Sent:** Wednesday, April 21, 2010 9:28 AM

**To:** Rep. Tom Brower; Rep. Della Belatti; Rep. Joe Bertram III; Rep. Mele Carroll; Rep. Scott Nishimoto; Rep. Maile Shimabukuro; Rep. Ryan Yamane; Rep. Gene Ward

**Subject:** HUS Hearing tomorrow, April 22nd at 11:00am in Room 229

**Importance:** High

Dear Representatives,

I know you are all so very busy right now, but I'm hoping you'll come to the 11:00am Human Services Committee Hearing tomorrow morning in Room 229 so a quorum can be convened. **SCR91, the most important piece of legislation to domestic violence survivors and their children**, will be heard at that time and we desperately need your support. SCR91 was gone completely UNOPPOSED and the hopes of so many survivors and children are riding on this reso's passage. I know that each of you has consistently shown your support for domestic violence survivors so I'm hoping a quick hearing (we're all just going to stand on our written testimony) and an "aye" is not too much to ask. Ok, God bless you in all that you do and keep on keepin' on

~

With love and aloha,

Dara Carlin, M.A.

Domestic Violence Survivor Advocate

TO: Representative John Mizuno, Chair  
Representative Tom Brower, Vice Chair  
Members of the House Committee on Human Services

FROM: Dara Carlin, M.A.  
Domestic Violence Survivor Advocate  
881 Akiu Place  
Kailua, HI 96734

DATE: April 22, 2010

RE: **STRONG SUPPORT for SCR91 SD1**

Domestic Violence (DV) - one individual's use of coercive tactics against another individual to maintain power and control - is a CRIME against God and humanity. It is not a personal problem, a mental health disorder or the fault of anyone else's beyond the very individual who chooses to use it to get their way or needs met. The use of violence against another in any form is unequivocally **wrong**, regardless of age, gender, nationality or religion.

The singular message we give DV victims across the board, LEAVE, actually has two meanings:

- LEAVE, as in leave the dangerous situation and
- LEAVE, as in leave/end the dangerous relationship

In a card given to DV victims distributed by the *Department of the Prosecuting Attorney's Victim/Witness Kokua Services* under the heading **SAFETY FIRST** the very first line reads:

"FIRST, YOU MUST PROTECT YOUR-SELF AND YOUR CHILDREN FROM IMMEDIATE DANGER" (I'm copying directly and it's all in caps).

Today, if a DV victim follows these two directives, **leave** and **keep you and your children safe**, she's already well on her way to losing custody of her children to her abuser in any one of our Hawaii family courts.

Approximately two decades ago, Hawaii State Statute 571-46 was adopted to prevent and curtail the further occurrence of family violence once a DV victim had successfully fled her abuser. The intent and purpose behind this statute was to END DOMESTIC ABUSE but if you ask any attorney, they'll tell you that 571-46 can only be considered if A FINDING of domestic violence is made by a judge. In one of my cases where mom's evidence of abuse was a hospital photo of her bashed-in face, 571-46 couldn't be applied because THE JUDGE didn't make any findings of abuse!!!

The survivor testimony before you today - much of which has been funneled through me due to the survivors fear of their ex-spouses and retaliation in their ongoing child custody cases - is just the tip of the iceberg of a national problem. How big is the problem? Big enough to fill books like:

**"If I Killed You, I'd Get the Kids"□: Women's Survival and Protection Work with Child Custody and Access in the Context of Woman Abuse** by Colleen Varcoe and Lori G. Irwin

Abstract: Public interest in child custody and access has intensified under the guise of gender neutrality and without adequate attention to gender based violence. A study of formal systems' responses to abuse by intimate partners



identified child custody and access as a central issue. **\*\*\*Interviews with women revealed that upon leaving abusive partners, women's work involved the contradictory requirements of preserving the children's relationships with, yet protecting them from, their fathers\*\*\***. Interviews with service providers and document analysis illustrated how **certain practices, policies and ideologies create and sustain these requirements**. Findings illustrate that gender analysis and accounting for violence in custody and access practice are necessary to the safety of women and children.

And big enough to be featured on "The Dr. Phil Show" that was aired on Wednesday, April 14, 2010.

How bad is it in Hawaii? That's what we're urging you to take a look at: to see for yourselves how the law is being broken in the very place where it's supposed to be upheld. What would you see? Court orders like this one from a domestic violence victim's divorce decree:

" Mother should not participate in any domestic violence support groups for abused women at the Family Peace Center or elsewhere regarding the facts and circumstances of this case".

This particular DV survivor lost custody of both her two young daughters to her abuser after "successfully fleeing" the marriage.

Losing your children in a protracted child custody case after escaping a dangerous relationship and following all the instructions given to you by the "professionals" is not what DV victims risk their lives for when leaving. As guardians of our laws, we are telling you that the law designed to keep DV survivors and their children safe from harm is being blatantly broken every day in courtrooms across the state and we are urging you to do something about it.

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

Most respectfully,

Dara Carlin, M.A.  
Domestic Violence Survivor Advocate

TO: Representative Mizuno, Chair  
Representative Brower, Vice-Chair

Members of the Committees on Human Services

FROM: Big Island Survivor Mom #1 (by proxy through Dara Carlin, M.A.)

881 Akiu Place

Kailua, HI 96734

DATE: April 22, 2010

RE: STRONG SUPPORT for SCR91 SD1!

My case is EXACTLY why domestic violence custody cases need to be looked into. We were married since 2000 and I had to file my first TRO against my ex in 2001. When I realized I was a victim of domestic violence, I got restraining orders, met with attorneys (who told me I would share custody guaranteed), but decided to stay so my daughter would not have to left alone with him. I finally left when my daughter was 8 because he threatened to kill me. My daughter was relieved and thought it meant she would never have to see her father again. Though it took me a long time, I finally documented the details of my abuse only to have the psych evaluator say she didn't want to see it because it was too long.

The worst mistakes professionals made on my case and the consequences were:

- 1) Judge XXX in Hilo Family Court had to decide if the proper jurisdiction was Hawaii or Nevada to hear my case. I had a 3 year restraining order granted in Hawaii which gave me temporary sole custody, and my daughter was here in Hawaii living with me. I had not been a resident for 1 year, BUT I did request an emergency change of jurisdiction based upon domestic violence. He denied the change of jurisdiction, dismissed my restraining order and fined me to pay his attorneys fees based on my filing a divorce case as an unnecessary action! This has been disastrous as now all court proceedings are in Nevada, which costs me a lot of money. My ex continues to abuse me by saying he will use the court system to bankrupt me and he is succeeding at this by forcing me to attend court hearings, demanding I pay for visitation, which so far the court has granted. He makes 4x what I make, but I have had to bear all the expenses for child care, visitation, travel costs in addition to my attorneys fees. I have used all my savings, and had to use my retirement money at a 40% penalty

to keep my attorney. Meanwhile, he is only required to pay \$300 a month in child support, which he hasn't been paying.

- 2) My first attorney in Hawaii filed the wrong paperwork which contributed to the fine being ordered upon me.
- 3) The current judge in Nevada agreed with his attorney and ordered another psychologist get involved in evaluating my daughter because the one my daughter already had had "only had the best interests of the child in mind", therefore "making her biased". (They want a counselor that has the best interests of the father in mind as well.)

My custody/visitation status remains in limbo: As ordered from each settlement conference in which my ex refuses to state what he is asking for in order to settle. HRS 571-46, the rebuttable presumption against custody to a perpetrator, was not used or even considered in my case. So far, I've had 6 judges, 8 attorneys, 3 therapists (waiting on the 4<sup>th</sup>), I've been in family court for 2 ½ years and have spent over \$80,000 on legal fees, counseling fees, evaluation fees, visitation center fees, etc.

What I do now is wait for the end of each "settlement conference" for new "custody orders" based on his allegations that I have brainwashed my daughter into not wanting to see him - my daughter is now 10. I have a great relationship with her, but I have been labeled as "the bad one" for "making" her talk to him on the phone. (How do you figure?)

My abuser continues his abuse of me and my daughter financially primarily – he says he will use the court to bankrupt me and make me homeless. He continues to intimidate me and my daughter, forcing my daughter to talk on the phone when she is not comfortable with it, complains in court or files papers to cost me more money if she will not talk to him.

The family court system is not protecting the children when we leave a violent and abusive marriage. It is making it impossible for moms to get away from the abuser because they (the moms) love and protect their children. They are creating financial distress to the moms and the children by allowing abusers to abuse the legal system.

Domestic Violence is a CRIME but family court does not treat it that way. A rapist is a rapist whether the victim is a stranger or a family member – the crime is THE SAME – treat DV as the crime that it is!

TO: Representative Mizuno, Chair  
Representative Brower, Vice-Chair  
Members of the Human Services Committee

FROM: Maui DV Survivor #1 (submitted by proxy through Dara Carlin, M.A.)  
881 Akiu Place  
Kailua, HI 96734

DATE: April 22, 2010

RE: SUPPORT for SCR91 SD1

I was attacked by my ex-husband who is black belt in Tai Kwan DO. I had taped him arranging to take one of his girlfriends he continually cheated on me with out on our boat but he angrily denied it. When I presented him with the recording of the conversation proving he was lying he attacked me grabbing my trachea in a move I was told later by teachers of this martial art is only to kill someone, its not a self defense move and is only taught to black belts because of the seriousness of using it. When I showed the Tai Kwan Do instructor what was done to me as a way of asking how to describe it in a report he freaked and told me I had to report it as assault with a deadly weapon.

I went to Women Helping Women and filed a TRO. At the hearing my ex had Guy Haywood and I had a woman, but I can't remember her name. My ex had taken all the money out of our accounts so I had no funds to hire anyone but he did. This hearing was a nightmare. I was put on the stand and grilled for 40 minutes by his attorney until I could no longer speak I was crying so hard. **The judge ruled to drop the TRO without anyone even asking my husband if he did it.** He was never sworn in or asked anything only I was interrogated. The advocate from Women Helping Women told me she had not seen this before. My husband was grinning confidently thru the entire thing. I could see that he knew what was going to happen before the hearing by the way he acted - not even concerned.

I had to leave Maui to flee for fear of my life with no money. I left for 4 months staying around with friends that took me in.

The divorce was just as awful. My husband had gone around and interviewed all the divorce attorneys on Maui so they would not take me as a client. He had all our money so he hired Haywood again who really played dirty and basically got all our marital assets given to my ex. I borrowed money and hired Lee Ohigashi since he was the only choice left. I had been compiling proof that my ex had been embezzling from our equally owned electrical contracting LLC that was doing \$250,000 gross. I had proof of over \$250,000 being stolen and hidden from me over a 5 year period. Ohigashi told me that in the divorce property settlement the embezzlement case did not matter. He convinced me that my husband would be able to force me to sell my house I had before I married to give him half of that too if I didn't agree to everything he demanded. My husband got our boat, our rental property our electrical contracting business and all our IRA and savings and checking accounts.

I got the house I owned before I met him. He agreed to help me make the payments on my house for 9 months, but I had to pay to refinance it to get him off title in that time and he wanted to make sure the payments were made until then or I probably would not have gotten that either. I later found out that my husband's attorney lived next door to Ohigashi.

Years later I told another attorney about the embezzlement case and how Ohigashi told me it was not something that would affect the divorce. **I was then told that most of what Ohigashi had told me was not true and that no clean judge would have signed a divorce order giving such unfair terms.** My ex not only got our rental property, which was a house and guest house on a large lot, but

then went after the house I owned before we met. At the time we married I owned a business doing \$100,000 a month gross, owned my own home, had savings and a Mercedes. He had a house worth half what mine was worth and owed the \$20,000 equity to his ex. He had a blow up boat and an old van and business doing \$35,000 a year. When we divorce I got the house I owned before we met and my car and had to start over since all our credit was in his name since we were trying to earn miles we put everything on his credit card which our business paid off each month. He got a house with guest house, a 20 foot fishing boat, our electrical contracting business that I had built up to doing 5 x what it was when we met and a new van. He was better off in every way and I had much less than when we met.

One year and one day after the divorce he began building another house on the property he got with all cash. Based on the building plans at the county he put about \$250,000 into to it, none of which was on the financials he turned in and I know he did not work most of that year. It was really hard to visibly see corruption's success. I hope the crooked judges and crooked attorneys can get some wake up calls to prevent any more victims.

TO: Representative Mizuno, Chair  
Representative Brower, Vice Chair  
Members of the Committee on Human Services

FROM: Oahu Survivor Mom #1 (by proxy through Dara Carlin, M.A.)  
881 Akiu Place  
Kailua, HI 96734

DATE: April 22, 2010

RE: Support for SCR91 SD1

I am a Domestic Violence (DV) survivor. I was married to my abusive husband for 2 and a half years. When I realized what was happening to me and my then 2 year-old son was abuse, I **contacted 3 lawyers about leaving my husband and they told me to go to a safe place or leave the state with my child.** I asked "Can I do that legally?" and ALL 3 lawyers said YES. So in March 2009 I took my son and fled out-of-state.

Once I realized I was a victim of DV, I was very ashamed – I felt like it was all my fault and I felt completely alone. When I got back home (where my family is) I then filed for a Temporary Restraining Order (TRO) and an emergency custody order for my son as advised to do by ALL 3 lawyers. I was assured that what I was doing were the correct steps to be SAFE with my child, so I did everything on good faith. I **never reported the abuse** because in doing that, I felt embarrassed - like who is going to protect me or believe me? I was embarrassed and scared - what if he killed me? He had threatened me with his guns before (he owns SIX guns and makes his own bullets) and can be REALLY scary when angry.

**I never turned to anyone for help in terms of confiding domestic violence and that was actually used against me in court and cost me my son!** Because our marriage was in serious trouble, my then husband and I were in "marriage counseling". Because the "therapist" clearly took my husband's side, I never told her what was REALLY happening at home. I didn't trust her and my instinct was right: I came to find out that this therapist is really a children's Sand Play therapist with **NO FORMAL TRAINING, LICENSING or DEGREES in Marriage and Family Therapy!**

In May of 2009 there was a trial where my abuser got TEMPORARY CUSTODY because I had left the state of Hawaii – even though I had been instructed and given permission to do so! This "therapist" went out of her way to testify against me saying that I COULDN'T be a victim of domestic violence because I never said anything TO HER about it!!! So what I lived with, day-in and day-out, meant NOTHING against this "therapist's" unqualified judgment? THAT'S how domestic violence is defined? NOT by the facts but on someone else's opinion of the facts?!

This aside, my abuser had a prior TRO from his first ex-wife which involved DV too! The Judge then ordered a Custody Evaluator, whose report was in total support of my abuser and so very biased, he didn't even try to hide it! The custody evaluator, whose at bare minimum supposed to prevent my son from harm, became the next "professional" to FAIL my son and me. In my November 2009 custody trial, this evaluator smiled with a "touche" attitude when my attorney pointed out all the flaws, errors, unsubstantiated claims and biased conclusions he came to in his report which also contributed to the loss of my son.

So, due to ignorance of domestic violence, a complete disregard for Hawaii state statute and regardless of all the abuse that my son and I have experienced, the abuser has now been granted

SOLE PHYSICAL AND LEGAL CUSTODY of my son with "daytime only" visitations to me. I am not allowed ANY holidays or overnights and recently, the "visitation supervisors" at my son's daycare have started telling me what I can and cannot do with my son when I visit with him, ie: he's not allowed to sit on my lap, I'm not allowed to put him down for his nap, he's not allowed to share my lunch, I'm not allowed to take any of his artwork home even if he gives it to me - **he's only 3 years-old** and I'm still his mommy! What gives them the right to take that from me?! I'm afraid to complain because if I do, they could take my visitations away altogether but this pre-school has taken it upon themselves to alter the visitation schedule in our family court orders - I didn't know a pre-school could override court orders!

I have been in the legal system since March 2009 and have had 3 judges, 6 lawyers, 2 therapists, 1 psychologist, 1 Custody Evaluator and the services of the PACT Visitation Center. In lawyer fees ALONE I have spent **\$120,000** (so far to date, and I have to put another \$15,000 down so my case can go to the ICA). I have to pay the PACT Center \$175.00 and then because I was diagnosed with PTSD (Post Traumatic Stress Disorder) resulting from my abusive marriage, I have a balance of \$344 with my therapist because my health insurance coverage ran out. The biased Custody Evaluator cost \$1,200.

My ex was also recently successful in having me fired from my job. He called my place of employment and hung up at least 3 times a week (caller ID showed his number) and he'd email my bosses saying he was not comfortable with me working for the same company as him. (I worked with the company before I even met him!) He told my boss that he should fire me then slandered me on the NATIONAL computer system talking about the divorce and custody case! This is **public** so anyone in the company could see it - it was so completely humiliating but NO ONE could/would do anything about it!!! My ex's tactics finally paid off because I was fired a month and a half ago over all of this. On leaving, my boss showed me the emails my ex had sent around the company and told me that because of it, I've been "blacklisted" in my career field so not to apply anywhere else.

So in conclusion, I would just like to say that this really needs to be addressed and dealt with. These judges need to be investigated for the abuse they are putting these children through and applying the laws that were put in place to stop DV. Without holding the abusers and family court professionals accountable for their misconduct, it is only getting rapidly getting worse. Please help us correct these problems and finally put the best interests of the child first because THE HAWAII FAMILY COURT DOES NOT PUT THE CHILD FIRST!!!

Thank you for your time and consideration in this VERY important matter.

TO: Representative Mizuno, Chair  
Representative Brower, Vice Chair  
Members of the Committee on Human Services

FROM: Oahu Survivor Mom #2 (by proxy through Dara Carlin, M.A.)  
881 Akiu Place  
Kailua, HI 96734

DATE: April 22, 2010

RE: Strong Support for SCR91 SD1

When my husband began sexually abusing our four children, I knew that was wrong and how he was treating me was wrong so I did what they tell you to do: I got help and I got out. I left Hawaii with the kids and was staying in a Domestic Violence shelter when state police came with an Ex Parte Hawaii order saying that he had been given full custody of our kids! They actually took my kids from me in 2 squad cars while we were in a shelter for domestic violence! Did I tell you my oldest is only in the third grade?

When I started telling people (the court professionals) what it was like being married to him and how he acted, no one would believe me - instead they believed him and all the crazy things he'd say about me that weren't true. After they took the kids, I didn't know what else to do but go home to my parents so I could work to make a new life for my kids and save enough money to go back to court to get them back.

I came back to Hawaii for the custody trial but when we got to court, the judge said he "didn't want a trial, he wanted a settlement" and said that "things *could* get worse for me" if I didn't settle and chose to go to trial. We were at court by 8:00am and by 4:45pm, nothing had changed - we waited all day for a trial that never happened (my witnesses for the trial missed an entire day of work because they waited with me all day) and worse was the Custody Evaluator submitted a report that documented evidence of my children's ongoing sexual abuse by their father (the therapist was an intern student) but no one blinked an eye or even looked at him strangely - the report was supposed to be evidence IN SUPPORT of my ex!

My Domestic Violence Survivor Advocate asked the Custody Evaluator if she had considered the Rebuttable Presumption against custody to a family violence perpetrator in my case and the Custody Evaluator asked "What's that?" The Custody Evaluator didn't even know what the law was yet she was recommending full physical and legal custody to an abuser with evidence of his abuse that SHE brought to the court herself!



This is all wrong - I wouldn't have left him if I had known they'd take the kids from me and give them to him and he lied to the court ALL DAY! Up until 4:30pm that day, he was saying that he was going to leave Hawaii and move back to the mainland by a specific day in December, but at 4:30pm he all of a sudden announces that the move was just a POSSIBILITY not an actuality and the judge saw absolutely nothing wrong with my ex-husband lying to him and misrepresenting himself to the judge ALL DAY LONG!

Nothing was decided that day besides maintaining the status quo: he keeps full physical/legal custody of the kids and "problem solved" so far as the court's concerned because I had to return back home to the mainland without the kids who don't understand how I can just leave them like this. They don't understand or know about the restrictions that have been placed on me and telling them about it would be considered bad parenting, so I have to keep quiet and strong for my kids while they cry for me and continue to be molested by their father. I eventually was forced to stipulate - it was not my free will but that's what it looks like to everyone.

Please expose what is happening in family court for victims of domestic violence that try to escape their batterers. The "happily ever after" we're led to believe is there "if we have the courage to leave him" is a cruel illusion.

TO: Representative Mizuno, Chair  
Representative Brower, Vice Chair  
Members of the Committee on Human Services

FROM: Oahu Survivor Mom #3 (by proxy through Dara Carlin, M.A.)  
881 Akiu Place  
Kailua, HI 96734

DATE: April 22, 2010

RE: Strong Support for SCR91 SD1

I met my ex-husband in 1997 and we were married in 1999. I fled for my life and my infant daughter's life in 2007.

Realizing I was a victim of Domestic Violence wasn't too hard for me. Six months into our marriage, he punched me in the mouth so hard I literally had no idea what hit me. One minute, I was in the kitchen talking to him and the next, I was on the floor. I was so shocked and stunned, I couldn't wrap my mind around it. The physical abuse was bad enough but the psychological abuse was worse. People always ask "Why didn't you just leave?" but I DID - 5 or 6 different times! Each time I sought help from authorities, NO ONE would help me so I'd have no choice but go back to him. One time, I spoke to his commanding officer and was told to "Go home, don't cause any more trouble and make him a nice dinner" and this is looking at him with black eyes and a split lip! I suffered a miscarriage following a particularly bad beating (he didn't want children) so when I became pregnant the second time, I knew the child I was carrying was not going to be safe from him either.

My DV was documented, however, because my ex is considered to be highly dangerous to my daughter and me I went through a program called the "New Numbers For Victims of Domestic Violence", a program that's administered by the Social Security Administration that helps to conceal DV survivor's identities and locations from abusers who relentlessly stalk their victims. You can't just get into this program - you need VOLUMES of verified third party documented abuse to prove your victimization and risk to get into this program so if you're in it, you ARE a "bona fide victim of domestic violence" but a condition of this program is erasing your former identity - you're asked to destroy all evidence tying you to your former identity so the only physical evidence I have left of my abuse are scars, memory loss due to head injuries, a single piece of paper saying my social security number was changed due to extreme violence and abuse against me.

In September 2008, I took my then year and a half-old daughter to an Emergency Room for treatment after she developed a high fever that wouldn't break after receiving 7 immunizations (4 of which were live viruses) at the same time, which I've been told is a potentially NORMAL response to that amount of vaccines she was given all at once. The stress caught up with me and I was hospitalized with what I thought was a seizure. My daughter and I were discharged home TOGETHER (no CPS intervention) yet 5 nights later when my daughter was sleeping, CPS took my daughter from us with no explanation as to why. **The CPS Investigator and GAL then CONTACTED MY ABUSER** - the man I had successfully escaped from through the help of the Identity & Relocation program - effectively undoing every protective measure that had been put into place to keep my daughter and me safe from him!

**The Executive Director of the Hawaii State Coalition Against Domestic Violence, Carol Lee, who was involved in my case from the beginning DID ABSOLUTELY NOTHING to verify my status as a DV survivor, advocate for me, stop the over-zealous efforts of the GAL and CPS from dismantling the very safety precautions she herself helped put into place and never took a stand for me with CPS or the family court, although she signed an agreement between herself and DHS in 2004 to collaborate on DV/CWS cases!** (Attached) By this point, my case was no secret in the "DV community" yet NONE of the "DV Professionals" on Oahu who knew the truth of my case came forward to verify their involvement with me!

Because the offer of assistance from my DV Survivor Advocate was COMPLETELY IGNORED by CPS and the GAL, not only was my safety compromised, but my daughter was wrongfully removed from our care, my husband almost lost his job several times, pursuing my college education to become a teacher became worthless and we were brought to the brink of bankruptcy.

Personally, the tab for my family court-related expenses in Hawaii totals over **\$68,000**, all of which cumulated over a period of a year and a half! At one point in our case, I had to sell our furniture so we could afford to see our daughter at the PACT visitation center. The amount of money spent by Domestic Violence services to keep me and my daughter safe, all of which was completely compromised by CPS and the GAL and the tab that the state paid for the GAL and CPS's mistake, I can't even fathom. Here is what would be covered by that bill that came at the state AND taxpayers' expense:

DV services that were compromised:

- 140 shelter bed days, authorized by Child & Family Service
- 3 Flight To Freedom Fund airfares, authorized by the HSCADV
- 1 car transportation from the Big Island, paid for by the HSCADV
- 3 – 4 Days of round-the-clock security services during my hospitalization following my attack by "an unknown assailant", paid for by the HSCADV
- The time and resources expended by 4 HSCADV staff over the course of a year and a half
- The time and resources expended by a Domestic Violence Action Center (DVAC) Victim Advocate
- Costs involved in changing my identity and social security number through the NNEDV's Identity Change & Relocation Program

Because Ms. Lee failed to take a stand in this case and the GAL and CPS chose to ignore my DV Survivor Advocate, the following services were squandered on me alone:

- The services of a state-appointed attorney
- The services of a state-appointed Guardian Ad Litem
- The time and resources expended by a CPS Investigator, Case Manager and Supervisor whose efforts stripped me of all the protective measures put into place by DV services
- The time and resources required for 12 family court proceedings that included the employment of 2 judges, court officers and 2 attorneys from the AG's office
- 4 psychological evaluations
- Supervised visitation services through the Department of Human Services (2x a week for 6 months) AND The Parents & Children Together program (3x a week for 3 months)

- 3 Ohana Conferences
- 2 multi-disciplinary meeting at the Kapiolani Child Protection Center where the DV service providers and my Survivor Advocate were deliberately excluded from participating (I have since learned that DHS is not allowed to exclude anyone on the case)
- 9 1/2 months of non-relative out-of-home foster care (my suggestions for family placements were all summarily rejected)
- Enhanced Healthy Start services (which are designed to strengthen the parent-child bond) being afforded to the FOSTER PARENTS
- Placing my husband in Catholic Charities foster parent training classes to become a licensed child-specific foster care placement (including paying for FBI and other background checks) only to be told that he would NOT be a placement option for our daughter
- 3 Home Inspection-Evaluations by Catholic Charities, CPS & the GAL with a 4<sup>th</sup> planned by Parents Inc.
- 1 court-ordered mediation that my Survivor Advocate was not allowed to participate in
- 2 Substance Abuse Evaluations (because my ex accused me of abusing prescription drugs)
- 2 urinalysis proving my sobriety
- 1 hair follicle test to ensure that I was REALLY sober even after 2 clean UAs!

Please look at how the Family Court system in Hawaii treats women who escape abusive situations then try to keep their children safe from their abusers!

**Hawaii State Coalition Against Domestic Violence (HSCADV)  
and  
Department of Human Services /Child Welfare Services Branch (DHS/CWSB)**

Improving Outcomes for Children and Families Affected by Domestic Violence and Child Maltreatment  
December 2004

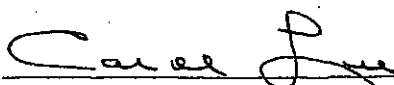
DV Providers & CWS Staff:

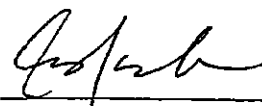
In April 2002, Carol Lee (Executive Director, HSCADV), Amy Tsark (DHS/CWSB Administrator), and the Honorable R. Mark Browning (Family Court) attended a Regional Leadership Forum on improving outcomes for children and families affected by domestic violence and child maltreatment. At the Forum, we agreed to work on the following goals: 1) statewide collaboration; 2) formalize relationships for consistency and continuity; 3) develop joint protocols and policies; 4) protect families' safety; and 5) involve community/diverse representation.

A "Domestic Violence/Child Welfare Services" (DV/CWS) Planning Committee was formed through the leadership of the Honorable Browning. Initially, the Planning Committee was represented by Ms. Lee, Ms. Tsark, Ms. Maureen Kiehm (Program Specialist from the Judiciary, First Circuit), and Judge Browning. A facilitated meeting between DV Providers and CWS Staff was held on June 23, 2003 to identify common concerns and develop solutions. Following the meeting, the Planning Committee's membership was expanded to include line representation -- Cindy Cline, Angela Doi, Kata Issari, and Jennifer Rose from DV Providers and Dana Kano and Patricia Oshiro from CWS Staff. The purpose of the Committee is to develop a framework for the work of the committee that supports and encourages candid discussions of difficult issues common to DV/CWS, assist/facilitate them in making decisions or recommendations, and to develop and prioritize the tasks for the year.

The expanded Planning Committee continues to meet in 2003 and 2004 through the leadership, guidance, and support from Ms. Elizabeth Kent, Executive Director of the Center for Alternative Dispute Resolution (CFADR) and her staff. Through this effort, the Committee developed a joint statement concerning domestic violence and child abuse and a protocol to address disagreements between DV Providers and CWS Staff (see enclosure), which we are sharing with our staff.

In the upcoming year, the Planning Committee will embark on a training collaboration in our continuing effort to improve communication and case coordination. It is our hope that our respective staff will continue to be open as much as possible, to listen to each other's concerns, and to build understanding and trust. We want to give a special recognition to Judge Browning, whose unwavering vision and commitment has been a sustaining and guiding force. We also want to thank Ms. Kent and her staff for their continued assistance and support.

  
\_\_\_\_\_  
Carol Lee, Executive Director  
HSCADV

  
\_\_\_\_\_  
Amy Tsark, Administrator  
DHS/CWSB

**Hawaii State Coalition Against Domestic Violence (HSCADV)  
and  
Department of Human Services /Child Welfare Services Branch (DHS/CWSB)**

Joint Statement Concerning Domestic Violence and Child Abuse

HSCADV and DHS/CWSB agree that, in general, children belong with their non-abusive parent and, whenever possible, safety planning should be conducted for the child and the non-abusive parent.

Hawaii's law is clear that domestic violence is not just one of many considerations in determining the best interests of the child; it is a primary factor, as is the safety of the child and the parent who is the victim of family violence.

HSCADV and DHS/CWSB recognize that chapter 587 and section 571-46(9) of the Hawaii Revised Statutes recognize that domestic violence is an important consideration in determining the best interests of the child.

Protocol to Address Disagreements

Child Welfare Services Staff and Domestic Violence Service Providers are committed to the safety, protection, and well being of our mutual clients. Our working relationship therefore must be built on openness, respect, trust, and acknowledgement of each other's knowledge and intentions in order to achieve the best outcomes for our clients. It is with this intent that protocols to resolve case issues are being implemented.

When a disagreement occurs between a CWS worker and an advocate against domestic violence, the workers should discuss their concerns with each other by telephone or in person.

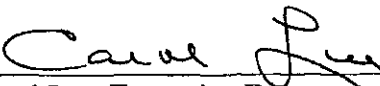
If the workers cannot resolve the disagreement, they should discuss their concerns with their respective supervisors. As a courtesy, they should inform their counterparts before doing so.


If the disagreement must be addressed at a higher level, the supervisors should discuss their concerns with each other by telephone or in person.

If concerns exist about the safety of a child or an abused parent, either supervisor may bring the concerns to the attention of her administrator. The administrator may then contact her counterpart to discuss the concerns or request a meeting.

Workers should respond within two business days to contacts from their counterparts. Disagreements should be resolved within one week; however, resolution should be expedited if safety concerns exist, or if a hearing is scheduled in less than one week.

For safety reasons, as well as to comply with the internal rules of some organizations, e-mail communications should not include clients' names, identifying information, or substantive case information.

  
\_\_\_\_\_  
Carol Lee, Executive Director  
HSCADV

  
\_\_\_\_\_  
Amy Tsark, Administrator  
DHS/CWSB

TO: Representative John Mizuno, Chair  
Representative Tom Brower, Vice Chair  
Human Services Committee Members

FROM: Oahu Survivor Mom #11 (by proxy through Dara Carlin, M.A.)  
881 Akiu Place  
Kailua, HI 96734

DATE: April 22, 2010

RE: STRONG support of SCR91 SD1.

My case is currently under appeal with the ICA after being heard by the First Circuit Family Court's judges R. Mark Browning and Linda K.C. Luke. Major points for my appeal are:

- 1) failure to submit to rules of jurisdiction,
- 2) REPEATED denial of due process,
- 3) refusal of judges to enforce visitation between mother and children as was court ordered, etc.

The judges in my case completely disregarded the law and refused to allow me due process in my fight to not have custody shifted to my ex. A complete injustice occurred in my case and now my children are subjected to daily emotional and even physical abuse in another state altogether. Like I previously stated, I am appealing the erroneous decision made by the First Circuit Family Court. I am also in family court in another state due to recent abuse allegations against my ex – as reported by a police officer this time.

Abusers are being empowered by a corrupt group of judges in Hawaii. Certain lawyers are profiting from this corrupt group and the behind-the-scenes deals that are being made. There is certainly at least one "court-appointed forensic psychologist" who is a major contributor to the corrupt state of affairs at the First Circuit Family Court, giving the corrupt judges the "evidence" they need to shift custody when no other evidence exists to be able to do so. The corruption must end. I am thankful for the actions being taken to end the injustices that have gone on for far too long in Hawaii's family courts.

**From:** Dara Carlin, M.A. [mailto:breaking-the-silence@hotmail.com]

**Sent:** Thursday, April 22, 2010 7:47 AM

**To:** HUSTestimony

**Subject:** LATE TESTIMONY for SCR91 to be heard TODAY, 04/22, at 11:00am in Room 229

**Importance:** High

LATE

**In STRONG SUPPORT of S.C.R.**

**91!**

il 21, 2010

Apr

Dear Hawaii Legislators!

I am writing as a victim of Domestic Violence, as the Mother of a child forced into continued abuse by the court and as a victim of a Judge Keith Tanaka ruling his own agenda from the bench. This continues to this day with the abuser using ex parte motions and orders and walking in and out of locked judiciary rooms.

A special investigation into the accountability of the judicial system is a life changing (and life or death) opportunity for my son and I. We are victims of a very biased and corrupt judge, and para-professionals that work directly with the Court and make their living off families and children in divorce and child custody 'victim' pools. These para-professionals include Corrupt and abusive attorney Barbara Sauer (GAL and Property Master), Margaret Goldberg, (Counselor perpetuating child abuse and insurance fraud), Kelley Andrade and Annie Reinike (CPS), for lying, misrepresenting and looking the other way as my son is abused, and many at Child & Family Services, and MPD who assisted in and made things so much worse for us.

I have submitted testimony before and I stand by it with no changes.

I have no history of drugs, alcohol, crime, problems with children or adults, or making untrue statements

My abuser has a history of:

1. Drug use, alcohol use, domestic violence, stalking and physical, sexual and emotional abuse of adults and children.
2. Addiction to prescription drugs.
3. Lost custody of his 2 children from marriage #1 due to allegations and proof of abuse by the children and their counselors.
4. Paternal Grandmother accused by children of inappropriate touching.
5. After 10 years of torture against the mother of these 2 children our abuser won unsupervised visitation back but had little to no contact with children now old enough to fight back and report abuse to the authorities instead choosing to again lie and blame the mother for his obvious failures as a parent. He has not seen or made any attempt to speak to these children since they were 10 and 11. They are now 22 and 23 years old and willing to testify on my son's behalf.
6. Evaluations showed abuser has inability to care for or be empathetic to a wife or the children as well as his narcissistic, abusive and addictive behaviors and attitudes.
7. In and out of court for drug possession Abuser never spent time in jail because his attorney father (the same one working here without a license) always got him off.
8. Attorney Grandpa representing abuser multiple times in his earlier case in drug court and CSEA hearings for failure to pay child support and medical for other kids and successfully terminated very needed support and medical insurance.
9. Abuser never paid tuition or anything towards these kids future he just walked away and is now abusing my son.
10. Falsifying court documents.
11. Abuser gave ex-wife and myself genital herpes.
12. My son who has reported sexual abuse 12 times, physical abuse and neglect currently is describing physical herpes symptoms.
13. He is forced to share a bed with his abuser. (He is 11 years old)
14. All of this is ok with CPS, Margaret Goldberg and Keith Tanaka.

What marriage brought to my life:

1. I have been repeatedly raped, choked, shoved into walls, had hot coffee thrown in my face, as well as subjected to emotional and financial abuse. I was frozen in fear because he told me he would take my son if I left. KEITH TANAKA, doesn't believe domestic violence is a crime instead believing it not to have occurred at all!
2. Extreme embarrassment and isolation drove me further to almost believing that I was not sane as he always told me and that I would do as he wanted or else. I have received the "or else."



3. My son and I are still subject to continued abuse and judicial retaliation.
4. I am without my son and he is without me
5. All my assets have been given to my Abuser, even my future assets
6. My son has been forced to live with a monster regardless of the laws on the books that prevent such a horror from happening. He has no voice.
7. When I ran with my son, I got an attorney, a TRO and prayed for survival. My abuser handled my running from him somewhat differently. He got an insurance company and took out a \$500,000 life insurance policy on me. He hired a "temporary" attorney (criminal prosecutor) until his father could relocate to HI and practice law without a license.

The dollar cost to myself and my family:

1. Over \$87,000 in legal fees and loans and this does not reflect the high costs of being pro se.
2. I have been ordered to supervised visitation and it costs my family \$300 per month just to maintain any kind of relationship with my son.
3. Add child support fraud to this... its ordered payments, its lump sum collections and threats and I am not swimming here. In fact I'm destined to sink permanently onto State Aid.

The State of Hawaii is also not exempt from the effects and cost of Keith Tanaka's own agenda who forced me on state aid uncaring of how it gets paid for and boldly ordering the child be "maintained on Med-Quest" even though my Abuser makes over \$10k/mo. My son and myself cost the State of Hawaii thousands per year and we participate only from need not desiring to be part of the system. Oh...and it was TANAKA who falsified my Abuser's Child Support Guidelines!

The cost to Hawaii:

1. Every day of every month the State of Hawaii provides my son and I with medical care and food (\$314/mo or \$3768/year). I am now well below the poverty level and fully reliant on State Aid and described as the "Hidden Homeless". I thank God daily for the assistance from the State because this is the only reason I now eat 3 meals a day. Before my food stamps were approved I could afford only 1 meal per day.
2. My son, residing with his father who earns well over \$10,000 per month tax free is on Med-Quest due to his self-declared "Impoverished" status; the status of which the State of Hawaii will not investigate. My son says that for the most part he lives on candy, canned soup and microwave popcorn!
3. The State of Hawaii through CSEA and Med-Quest tell me that insurance fraud is common and expected; telling me that I must be really naive to have told the truth and think it mattered. I was told that the State will not investigate insurance fraud and that they always pay. I was in fact encouraged to defraud the state to gain greater benefits. I have turned in Med-Quest fraud to the Quest office and no action has been taken that I am aware of.

On Maui money does buy almost everything, and by all appearances this has happened in my case. My own credibility was bought and sold by these people and the abuse continues. I am not at the hearing because I am frightened about retaliation or being killed. My own attorney advised me against "telling" because it will make the Judge angry and we will never get further. When asked by my attorney what problem the judge had with me, Tanaka stated openly, "I don't like the way she represents this court". For this 'dislike' my son is forced to live with his abuser where even after almost 2 years verifiable reports of abuse and neglect continue. Custody was changed when there were OPEN investigations with CPS, MPD, prosecuting attorney (for child abuse) and the Attorney General. "Best interest" of my son was not considered by this corrupt Judge or his para-professionals! Keith Tanaka was openly advocating for the abuser and wanted to make the witness (my son) go away. So far my abuser has not been held accountable for egregious and criminal actions against us and the state (perjury, forgery, UPL, falsification of official court documents, stalking, violation of court orders, Medicare and Medicaid fraud, other fraud against the state, compounding, etc.) All accusations against me were and remain unsubstantiated. ALL supervisors have determined me a good Mom and not requiring supervision. Of the 5 supervisors, all have records of abuse by the custodial parent, 2 have filed reports of abuse with Court and CPS, 2 are having nightmares of the abuser killing them, and my son's counselor has filed CWS reports against the custodial parent as well but she is actually defrauding Medicare so I doubt she'll say anything more.

This corrupt Judge does not believe in DV and this is seen in his rulings. This is also show in a recent appeal (of this judge) specifically for failing to protect a DV mother. He has since given temp full custody to the convicted abuser and then joint custody. She is scheduled to lose her daughter on 4/27/10. In this appeal Tanaka was again advocating for the abuser and wanted to make the witness go away. There is no penalty for child abuse, breaking ribs, causing miscarriages, or for ICU treatment in Tanaka's courtroom.

My Abuser's father was allowed to practice law without a license (he's an attorney in another state). Even with unauthorized practice of law I can show you small operators in the state being prosecuted for far less than what was acceptable to Tanaka in my case.

Stalking, harassment and threats escalated through my divorce. He would stop my employees anywhere and question them on where I was and what I was doing, call at work, at home, pound on walls, break into my home, run his car at us in the dark, jump out of plants, steal personal property, let all the gas out of the propane bottles and flatten the tires of my car. He didn't stop there. He forced my son to join him in breaking in my home and made him afraid of the Police. This gave the abuser leverage. He installed surveillance and recording devices and was always one step ahead of me because he had all the marital assets, and was supported by a wealthy family.

Barking dogs were removed under Keith Tanaka's order making me less able to protect myself and my son. Our abuser was and is abusive to animals on the property and they barked and growled when he came around. Abuse of the animals continues and "random" gunfire killed goats on the property. My son described in detail what the animals eyes looked like as the bullet hit the forehead, the eyes going dead and the blood spraying out all over. My son currently reports his cat starving with an injured leg, untreated, uncared for and a lesson to my son.

By repetitively raping me, (even while pregnant), verbally and physically threatening and abusing me and my unborn child, by allowing his parents,( a family law attorney and his paralegal wife), to threaten more and back his threats up with legal action should I ever leave, I became afraid for the first time in my life. They say unborn children whose mother was subjected to abuse are overly reactionary to violent stimuli and environments. This was enforced with emotional abuse, verbal abuse and physical abuse compounded further by his drug and alcohol addiction and paid for by his parents money.

Throwing me up against the wall and choking me on many occasions forced an early labor which was stopped by bed rest for a few days before again throwing me against the wall this time forcing unstoppable labor and resulting in my son being delivered 31 days early and very small. Threats to take him from me were so extreme that a guard was at the door of the delivery room and nursery. My son was small, 5# and had some issues at birth that private insurance did not pay for so he was checked out of the hospital. Back in ICU then next day I spent hours/days alone in the hospital just being with my son praying that he would be ok. I was there alone because my husband was drinking, skiing, drugging up and running around on me. The threats were so extreme and so inclusive that I was married 10 years, too afraid to leave my abuser, too afraid of the law firm and the money and afraid no one would ever want me especially with my now having herpes and a sick newborn and with these people trying to find me if I ran and of what they would do if they caught me.

Domestic Violence is a family problem. Add alcohol, drugs and porn and that person has 4 problems. Lack of confidence is just one trait common to DV victims and I had them all.

Throughout this whole time, almost hidden from my view, was my mother and family. Contact was limited and they have suffered almost as much knowing and seeing and being unable to help! Domestic violence really is a family disease. Please save my son!

The cost to myself, my son and my family are irreparable, much of the harm however can be alleviated by stopping the abuse and returning my son to my care where he can recover surrounded my love and support!

**PLEASE HELP MY SON. HE DOESN'T DESERVE THIS!!**

**In strong support of SCR 91!**

Maui Mom



**From:** Dara Carlin, M.A. [mailto:breaking-the-silence@hotmail.com]  
**Sent:** Thursday, April 22, 2010 8:03 AM  
**To:** HUS testimony  
**Subject:** LATE TESTIMONY for SCR91 to be heard TODAY, 04/22, at 11:00am in Room 229  
**Importance:** High

LATE

April 22, 2010

RE: STRONG SUPPORT OF SCR91

Dear & Esteemed Legislators:

As a family member and witness to a now three year long ongoing divorce case on Maui, I urge you with all my being to vote "YES" on SCR91.

On far too many occasions, I've seen a family court judge disregard his Canons and his Code of Ethics so completely & unabashedly, it would beg comparison with the behavior of a tyrant or that of a despot.

In far too many instances, I've watched a Court assigned Guardian Ad Litem trample over the health and well being of the very child she was sworn to protect. Ruthlessly. With complete disregard.

Anecdotes abound, both on and off the islands, regarding the extreme judicial corruption in Hawaii, making a sad irony of the paradise it's supposed to be.

But a paradise it *can* be, if you merely make the right choice to investigate and remove the black robed criminals who prefer to care selfishly about themselves instead of upholding the laws, the justice, and the simple Truth.

Please do the right thing: Vote YES on SCR91, and help put an end to needless suffering.

Sincerely,  
Brother in Law of Maui Mom

LATE

**From:** Dara Carlin, M.A. [mailto:breaking-the-silence@hotmail.com]

**Sent:** Thursday, April 22, 2010 8:01 AM

**To:** HUS testimony

**Subject:** LATE TESTIMONY for SCR91 to be heard TODAY at 11:00am in Room 229 (Actually, looks like only one more - phew!)

Hello Representative Mizuno and Human Services Committee Members,

I've submitted testimony before and I want you to know that I haven't changed my mind.

My sister and my nephew are still in front of a really bad judge and he is still hurting them. The judge has ignored the boy's repeated pleas to go back to his mom. He says his dad hurts him (physically and sexually), he says his counselor doesn't listen to him, he says his Guardian ad Litem "ruined" his life. He says he's going to kill his dad. All the supervisors (for MOM) have said she doesn't need to be supervised and two of them have reported to Child Welfare Services and put a report in with the court. All of this against the dad.

The ex's family is wealthy and they are also attorneys. They practiced law without a license and the Hawaii prosecutor hasn't done anything about it. Neither has the Attorney General. **WHY HAVE LAWS IF THEY AREN'T ENFORCED?** There are other crimes involved like forgery, and perjury, and stalking, and fraud against the state, and fraud against Social Security, and the IRS. The judge is breaking state and federal laws in his courtroom and my sister's lawyer cannot believe what's happening but the judge won't do anything about it. He is acting like a criminal. He's aware of the facts and the laws but he's ignoring them.

My sister's lawyer has been told by the judge that he should pick his clients more carefully, IN OPEN COURT. Isn't that bias?

The judge doesn't allow her to have documents from the ex but makes her comply with document productions and the EX is the one in control of ALL the marital assets. . Isn't that bias?

He got control of the assets because he filed and testified to multiple letters that he FORGED. My sister put in an affidavit of the person who supposedly wrote the letters that showed facts were wrong and that she never signed her name but the judge doesn't care!!!

Why do prosecutors write off criminal activity that happens in family court BECAUSE it's in family court? Even Domestic Violence is ignored until something like murder happens. Why does it have to get to that point before someone holds criminals responsible for their behavior in the family court?

The ex was also refused custody of his two kids from a former marriage because they said they were abused and they were willing to testify but the judge wouldn't allow their testimony. The judge wouldn't allow the testimony of their mother either. He said it was IRRELEVANT and this was during a CUSTODY hearing.

The Guardian ad Litem should be put behind bars. She's a criminal. She lied about so many things. Before she even completed her investigation, she and the judge said that her position wouldn't change... IN OPEN COURT. The judge knows she lied. My sister proved it but the judge struck from the record. HOW IS THIS LEGAL? She worked with the Ex to violate court orders and when my sister brought evidence this was blamed on my SISTER. How can people be SO mean?

Child Welfare Services has been useless. They ignored reports from my nephew before custody change. They've ignored reports after. They accused my sister of trying to litigate custody through CWS when all she did was report what my nephew said. Isn't that the law? Then they said it was an issue of "credibility" and can you please tell me, when evidence is ignored in the courtroom, how is one supposed to establish credibility?

LATE

There is no justice in Maui's family court. Judge Tanaka is really a bad judge and he's hurting people. Please stop him!!!

I think this judge was paid off in some way by the ex's family. He even has meetings with the ex and his family in chambers and discusses their filings. Of course he denies it in court but by his own statements and by eye-witnesses (attorneys), this is true.

I hope you pass SCR91 and make this judge pay for what he's done to my nephew. I also hope you can make the GAL pay for what she's done or at least prevent her from doing it again. The way she worked for the ex, she was probably bought off as well.

I know it's not nice to want revenge but once you've heard the crying of a person trapped and abused by a judge, and when you've gotten a call from a young boy who is begging through sobbing so hard he can't even talk ...begging you to tell the judge to please don't make him go to live with his dad...you might want to make these people publicly face what they've done...

Once the judge has made up his mind, even if it's in the 1<sup>st</sup> or 2<sup>nd</sup> hearing of a multi-year case, there is nothing one can do except try to keep fighting for what's right in order to protect the children. I think SCR91 is so important because it's a chance to fix what's broken. It can't ever give my sister and her son back the time they lost. It can't ever undo the damage that happened to my nephew because he was forced into survival mode by this bad judge. It can't change what's happening to other people out there right now but it CAN prove that these really great mothers are being denied the ability to raise their children in a safe place, in a loving place.

These criminals need to be exposed.

PLEASE PASS SCR91

Thank you for your support,

Sister of Maui Mom

**From:** Dara Carlin, M.A. [mailto:breaking-the-silence@hotmail.com]  
**Sent:** Tuesday, April 20, 2010 12:43 PM  
**To:** HUSTestimony  
**Subject:** SCR91 SD1 to be heard April 22, 2010 at 11:00am in Room 229

Dear Hawaii Legislators,

My name is Jennifer Collins. Dara Carlin is a colleague of mine. Dara has told me what is happening in Hawaii with this bill and I am so excited to hear that Hawaii is actually taking steps to protect children who are in the position my brother and I used to be in.

My mother was a battered woman 20 years ago. After my father beat her up (AGAIN) and fractured my 4 year old brother's skull at the same time, she did what she was supposed to do (and told to do by child protection) and she left my father. Somehow my father was able to get unsupervised visitation with me and my brother. When we confided in our mother that he was still hurting us she just couldn't bring herself to force us to go alone with this monster. Our father went back to court and actually got custody. At first we weren't allowed to have any contact with our mother at all. Then during a court supervised visitation I showed her the bruises on my back and bottom and told her and the supervisors that my father was still hurting us. Visitation was somehow terminated with my mother yet again!

My mother tried everything possible to protect us and when the legal system failed us over and over again she 'kidnapped' us (actually we ran away to her.) We fled the country and were granted asylum in the Netherlands. We are the first Americans to ever be granted asylum in another country!

We lived in secrecy for 14 years until two years ago when we were found by the FBI. We were terrified! My mother returned to the United States to face charges. All of the kidnapping charges against my mother were dismissed. She pled guilty to one count of Contempt of Court to which she bravely replied **"I admit to having contempt for the court which failed to protect my children!"** We returned to the Netherlands and are living in exile until my little brother turns 18 (only one more year to go!) When we return to the United States I am determined to help children who are in the same position that I once was.

What happened to my mother, my brother and me didn't end 20 years ago and it is happening in Hawaii right now! Please stop it by taking a look and listening to the mothers before you today.

Thank you for all your help and remember that **sometimes there are happy endings.**

Sincerely,  
Jennifer Collins

Americanchildrenunderground.blogspot.com  
CA3CACACA.blogspot.com

**From:** Dara Carlin, M.A. [mailto:breaking-the-silence@hotmail.com]  
**Sent:** Tuesday, April 20, 2010 8:03 PM  
**To:** HUS testimony  
**Subject:** SCR91 to be heard Thursday, April 22, 2010 at 11:00am in Room 229

Dear Committee Members,

I've been aware of battered mothers losing custody for several years now. I wrote several articles on the subject and wrote a chapter in a book on interpersonal violence about the fathers' rights movement, which has had a profound effect on women, especially those going through family court. I can send you this chapter for further information on this topic.

When battered women go to family court, they face many obstacles. To begin with, they may not have adequate legal representation. Then, when they allege abuse, either to themselves or to their children, they may not be believed. For one, judges may believe the woman is being vindictive, especially if this is the first time an allegation of abuse has arisen. Indeed, the discovery of abuse may lead to the divorce. Two, in courts with "friendly parent policies," the battered woman may look hostile and vindictive. Naturally, a battered woman is not going to look "friendly" so these policies are more harmful than helpful to abused women. Three, if the woman alleges child sexual abuse, she's often countered with claims of parental alienation syndrome (PAS). Despite the fact that major medical and psychological organizations do not support PAS, it is still used in family courts across the country. Its greatest harm is that it masks child abuse. How does one distinguish between an "alienated" child and an abused one? The symptoms are identical. This 'syndrome' simply scapegoats women and overlooks various reasons for hostility towards a parent (divorce, witnessing violence, child abuse...).

Battered mothers have always had problems with custody because they tend to look unfit in court - they're nervous, anxious, depressed or hostile. These are symptoms of being battered and should not be what defines the women. And, nowadays, making matters worse, are the rise of fathers rights groups. While positive parenting groups exist that help fathers spend more time with children, other fathers rights groups do more to punish women than to help men. Their agenda places fathers rights above women and children's safety.

Family court must protect women and children. The Leadership Council on Child Abuse and Interpersonal Violence estimates **58,000 children a year** go into unsupervised visitation or joint/sole custody arrangements. Rarely are abusive parents denied access to their children. Abusive parents are often permitted to commit further abuse and/or to use children as a proxy for abusing ex-partners.

Here are 3 recent cases that involved custody issues and abuse, most of them ended with the mother being killed:

<http://www.thesuburbanite.com/communities/jackson/x664196412/Friends-of-Brandy-Schneider-speak-out-over-double-murder-suicide-investigation>

<http://www.brisbanetimes.com.au/world/young-mother-fled-to-sydney-to-save-her-life-20090501-aq5z.html>

<http://www.mirror.co.uk/most-popular/2009/12/30/jilted-lover-shoots-dead-daughter-and-leaves-mum-fighting-for-life-in-a-crazed-attack-in-aldershot-115875-21930536/>

We come across these cases on a weekly basis. They are commonplace. It's time the courts take these cases into consideration and work towards protecting mothers and children in society.

Thank you for your time and careful consideration.

Sincerely,  
 Joan Dawson, MPH

Joan Dawson, MPH  
 Writer/Editor & Advocate  
 Washington, DC  
[www.joandawson.com](http://www.joandawson.com)  
<http://mediamisses.wordpress.com>

From: barryg78@aol.com  
To: HMSTestimony@hawaii.capitol.gov  
Sent: 4/20/2010  
Re: SCR91 SD1

My name is Barry Goldstein. I had the privilege of addressing the legislature last March when I was in Hawaii to speak at the 2009 IVAT domestic violence conference. I am glad that you are looking into the crisis in the custody court system and I hope you will create reforms and resources so that Hawaii can truly be a paradise for its children.

This is a particularly opportune time to consider the issue of domestic violence custody cases because a new book, **DOMESTIC VIOLENCE, ABUSE and CHILD CUSTODY: Legal Strategies and Policy Issues**, co-edited by Dr. Mo Hannah and myself is about to be published. The book contains chapters by over 25 of the leading experts in the US and Canada including judges, lawyers, psychiatrists, psychologists, sociologists, journalists and domestic violence advocates. This is a book by professionals and for professionals, carefully footnotes all information and contains the most up-to-date research available. Although the experts come from different disciplines and backgrounds there is complete agreement that the research shows widespread mistakes in the custody court system that have resulted in thousands of children being sent to live with abusers.

Here is the link:

<http://www.civicrosearchinstitute.com/dvac.html>

Thirty years ago when domestic violence first became a public issue there was no research available. The courts like other institutions developed practices to respond to domestic violence. At the time, many believed domestic violence was caused by mental illness, substance abuse and the victim's behavior. We thought domestic violence only involved physical abuse and children were not affected unless they were directly assaulted. All this and many other beliefs have turned out to be wrong. Nevertheless, thirty years later most of the outdated or discredited practices adopted by the courts are still being used. One mistake was to rely on mental health professionals in cases that do not involve mental health issues even though they have little training on domestic violence issues and generally are not familiar with up-to-date research. This is one of the reasons why the courts tend not to look for the specialized body of research that is now available and could help avoid many common mistakes. Instead the inadequately trained professionals have repeated misinformation so frequently that it is deeply ingrained in the judges and other professionals so much so that they often are not open to newer, more accurate information.

Let me give you a few common examples to demonstrate what I mean. In his chapter, Judge Brigner writes about training other judges about domestic violence. They often ask him what to do about the women who are lying. When asked what they mean they speak about women who go back to their abuser, withdraw petitions for orders of protection, fail to file criminal charges and don't have medical records. In reality all of these are normal reactions of women who do these things for safety and other reasons. None of this supports the belief the women were lying, but courts routinely discredit valid claims of abuse with this type of mistaken reasoning. Similarly there is a widespread belief women frequently make false allegations of abuse when in fact it is very rare (one-two percent). Another common example is judges, lawyers and mental health professionals observe children interacting with their father and conclude there was no abuse because the children showed no fear. What the children understand, but the inadequately trained professionals don't is that their father won't hurt them when there is a witness particularly someone the father wants to impress. In fact they could be punished if they showed fear. If the courts judging domestic violence allegations regularly discredit the claims based on information that is not probative, they have little chance of getting the cases right. At the same time, the courts often limit the evidence they look at to proof of physical assaults. Experts understand you need to look for a pattern of controlling and coercive behavior, but much of this evidence is ignored by professionals who don't understand its significance.

The professionals now relied on by the courts also fail to recognize gender bias and the frequent double standards employed against women. This generally is not done deliberately, but rather is often unconscious because it is easy for well-meaning professionals to engage in gender bias because they don't have any training. There is also substantial research about the long-term harm of domestic violence to children, but we have seen professionals ignore this harm because they are unaware of the research or don't know how to apply it. The professionals are well aware that children do better with both parents in their lives, but are not aware this is not true if one of the parents is abusive. There are many other areas of research the courts don't use that make it harder to understand the cases and protect children.

What is really going on is that for many years Hawaii like every other state made it a policy to stop domestic violence and provide support and assistance to battered women. As support and resources became more available, the domestic violence homicide rate went down for many years and interestingly men's lives were saved in greater numbers than women's lives. This is because men kill women for different reasons than women kill men. Women



more often kill men in self-defense (although the definition of self-defense is based on a reasonable man and thus favors men) and to stop his abuse. Therefore when she had help in getting away she didn't have to kill him to be safe. The abusers and the "fathers rights" groups that support them were not happy with the protections provided women. They believe they have a right to control their partners and she has no right to leave. They developed an unspeakably cruel tactic to maintain control. We constantly see abusive fathers who had little involvement with the children during the relationship suddenly seek custody as a way to pressure his partner to return or punish her for leaving. The courts are so pleased to have fathers who seem to want to be involved with their children that they fail to recognize the motive or recognize the tactic. The frequent failure of custody courts has resulted in women staying with her abuser. She would rather stay and take the beatings in order to be near her children to try and protect them. Recently the domestic violence homicide rate has started to increase again. Some have suggested this was caused by the recession, but I believe when the research is available we will see the connection between the failure of the custody courts and the increased murder rate. Some of the mothers who stay to protect their children don't survive this decision.

Courts often refer to the less than five percent of the cases that cannot be settled as high conflict cases. Literally they are, but the research shows 90% of these cases involve fathers who are abusers, but for the reasons described above and others the courts don't recognize this. As a result, between 70-83% of these cases result in custody or joint custody for the mostly abusive fathers in this category. Mothers are trying to limit the time the children spend with the abusive fathers in order to protect the children. The courts fail to recognize the abuse and instead treat the mothers as if they are harmful to the children in trying to interfere with the relationship between children and fathers. Ironically in trying to keep both parents in children's lives the courts give custody to the abusive father and immediately or shortly thereafter the mother is taken out of the child's life because the father seeks to punish the mother. Although the courts cruelly punish mothers for trying to protect their children, there is a double standard and the courts often help the father take the mother out of the children's life. Thus the children are deprived of their primary attachment figure and superior parent while having to live with their father's abuse.

We are hoping to use the up-to-date research in the book to reform the system. We plan to work with the courts and others to better protect children. We believe the first priority should be the safety of the children and the second priority to give them the best chance to reach their potential. I don't think that should be controversial, but it is not what is done in courts today. We are hopeful that the research in the book will cause courts and policy makers to take a fresh look at how the courts respond to domestic violence custody cases. We would like the courts to use the research to train or perhaps retrain judges and other professionals in the court system and to change some of the practices that work badly for children. If I can be of any assistance, please let me know.

Barry Goldstein

Domestic Violence speaker, author, consultant and advocate  
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Barrygoldstein.net website

From: akaai2674@hotmail.com  
To: breaking-the-silence@hotmail.com  
Subject: Testimony for SCR 91, HCR 165  
Date: Tue, 20 Apr 2010 10:13:29 -1000

TESTIMONY SUBMITTED BY ANGELA KAAIHUE IN SUPPORT  
HCR 165/SCR 91

1. DECLARATION OF ANGELA KAAIHUE
2. WITNESS TESTIMONIAL AND EXCERPTS TAKEN FROM ATTORNEY SCOTT STRASK, AND DR. JEFFREY STERN, PH.D.
3. ATTORNEY DAWN SLATEN, PROBONO 8 YEARS FOR GUARDIANS/FOSTER PARENTS

DECLARATION OF ANGELA KAAIHUE

Written and co-authored by Angela Kaaihue, and Attorney Kim Case.

I graduated college in 1997 and soon became pregnant with my first child. The father and I moved to Oregon, married, and my son was born soon thereafter. My husband and I had a second child, a daughter, in 2000. I was divorced shortly thereafter and was given full-custody of both children. My ex-husband continued to reside in Oregon.

In 2001, I became pregnant with twin girls. I was living in Hauula at the time and was working as a substitute teacher and had my own part-time business. Due to the difficult pregnancy, my doctor put me on bed rest in the summer of 2002, which was difficult as I had two toddlers at home. I was forced to go on welfare as I was unable to work. I did not have a car at the time and was forced to rely on others for transportation as well as the Bus.

On or about June 2002, I was grocery shopping at Foodland, in Laie, when I was approached in the checkout line by "Tina" who identified herself as working for "Healthy Start" in Hauula. She suggested I come by and hear about all the programs available to me for free. Within the week, I went to Healthy Start and heard about their programs, which included respite care. Tina followed up this initial visit with phone calls and home visits. My son, who lived with me, was about 3 years old, and was in school. My daughter was living with me and my Mom, with my Mom driving back and forth between her home in Aiea and my home in Hauula.

On August 22, 2002, my labor was induced and my twin daughters were born. The father's name is not on the Birth Certificates. My older daughter stayed with my Mom and my son stayed with friends. I contacted Tina after giving birth and she visited the hospital, held my twins, and gave me carriers for the car so I could take them home.

It was a difficult first six weeks as a single parent, even with the assistance of my mother and boyfriend. I was experiencing postpartum depression and was completely overwhelmed. In early October, 2002 I went to Healthy Start to inquire about the free respite care that had been offered to me previously. Tina said she had two sisters who would be willing to assist me- Sheila and Pearlinda. The following day, I went to Queen Kapiolani Children's Center to meet the sisters and found them to be kind and loving to my twin girls. I agreed to their offer of assistance and soon they were driving over from Kalihi and picking up the girls two mornings each week and returning them in the afternoons. After a few weeks, the care became overnight on weekends as Sheila did not want to drive back and forth in one day.

At about January 2003, my ex-husband felt that I was depressed and overwhelmed with the care of four children and offered to take full-custody of our two children, which I accepted, and my older son and daughter moved to Oregon with their Dad.

Also in January 2003, after Sheila and Pearlinda had been helping me for a couple of months, I learned that Welfare would pay for babysitting if the sisters were Certified as official child care providers, I felt bad that I did not have any money to pay them for their help so thought this was a great idea. However, they refused to sign any papers.

Pearlinda and Sheila were seeing the girls on a regular basis and telling me that when the children got sick, they took them to the doctor. It was this doctor, Dr. Shimizu, that they told me told them that they need a POA to bring the girls in as the children were covered by Medquest and I had to be present with them for medical services to be rendered. As I had no transportation, and Sheila and Pearlinda could drive the girls to doctor's visits, I agreed to sign the POA, which I believe was prepared by Sheila- it was typed and seemed too simple to be a legal form professionally written I thought, but it gave

them permission to take them to the doctor.

As time passed, I became aware that the relationship between my daughters and Sheila and Pearlinda was very close and that "bonding" had occurred. It was also very evident that Sheila and Pearlinda were keeping my daughters longer and longer, and not bringing them home when promised, making excuses like they did not want to drive, etc. I was torn between knowing my girls were being loved by a family and cared for, and wanting to find someone closer to help me so that I could be more in control. I contacted a neighbor, Belinda Wilkins, who agreed to assist me with the girls and began to cut back on the girls' visits with Pearlinda and Sheila. Soon after, Pearlinda and Sheila's sister Tina, the social worker reported me to CPS for neglect of my children. I have been told my Mrs. Pahia who also resides in Hauula, that Pearlinda and Sheila gave her advice on how she too "could obtain a child through the CPS system". Also, my neighbor Belinda Wilkins perviously warned me about Pearlinda Aea because Pearlinda had previously adopted a child named Tehani through a similar process of deceit and lies to her parents. I believe that Pearlinda and Sheila know how to manipulate the system to their advantage. However, i did not heed Belinda's warnings.

At about the same time, which was about April 2003, I was shocked to learn that CPS had received and "anonymous" report that I was neglecting my children and that I was being abused by a household member. The Social Worker asked to meet with me at Pearlinda's house (How the Social Worker even got Pearlinda's name I do not know) and I found it confusing that CPS would even want to meet at a caregiver's house at not at my own home. CPS asked about the POA and CPS offered their services which included services from Epic Ohana Conferencing. I felt a lot of pressure from CPS, from Sheila and Pearlinda, so I agreed to a guardianship, thinking the guardianship would be temporary and I could terminate it when I got a better parenting plan put together.

Dawn Slaten, an attorney with EPIC Ohana Conferencing Agency was brought in to discuss all options, including adoption, guardianship, etc. And agreed to draft the Guardianship paperwork. She specifically told me that she was representing all of us and never mentioned that I should have a lawyer or anyone else look at the documents. When I received the drafts, i wrote a letter to Dawn stating that I would nto sign them as they needed to be revised. When we went to Court and I told the Judge that I was not happy with the language in the documents, he told us to work it out and put additional pressure on me. He made me feel stupid and worthless, and again, I was never told to get my own lawyer to protect my rights. The pressure put on me by Pearlinda, Sheila, CPS, the Judge and Dawn Slaten as well as my postpartum depression finally resulted in my reluctantly signing the Guardianship Papers. I signed because I thought they were worthless and that I could easily terminate the guardianship, and did not understand that their were long term ramifications. In addition, I trusted Dawn Slaten because she said she was representing all of us including my interests. She never recommended that I get an attorney. Our guardianship was granted in May 2003, I was almost immediately kept from seeing my kids.

Excuse after excuse followed, and I was powerless as my visits with my twins over time ceased. Furthermore, they also went against the advice of Dawn Slaten and filed temporary restraining orders which prohibited me from having any contact with my twin children which is stated in previous court documents. Soon another "anonymous" letter arrived to SPZ saying that I was involved with Welfare fraud, another attempt by Pearlinda and Sheila to get me in trouble with the law, just like they did in Tehani's case and with her parents. I felt as if they were intimidating me to stay away from my kids. A investigation was opened, pleas delays offered which I refused because I was not involved with any type of fraud. In June 2005, I was tried and convicted, served three months in jail, and the case went for appeal in Supreme Court. The conviction was overturned, and now Iw)□沐: · · 癡瘋 · 飯□□新劇 蠶蟻 □エ · □ · □ · 斐仲欄亥後?蟻 · 鞞画エ□ · ?迴 · 纈□□凍缸底鋸鋸 o · · 朮齡纈□辭偵殊棧寂樞 · 膝械滯搖風□死琲堤樽死-旭堪□ヌ · 礎帝肅□□趁悶?策齡闊 · 闌□ · ?奈 · 艱齡□□死 鈔□□殊樞母碑 · ?矚站 · 溟搖風□臥樞 · 蔗纈 鶻□ヌ · 趁悶?缸綺 · □□惹? · · □ · · ?籬 · 蔗纈 · 鼓斬 · · 癆□ヌ · 璠悟 · 膝樞 · ?"temporary" guardianship was granted, and feel that my daughters were stolen from me. The twins should be living together, and living with their mother and brother, and grandparents. We should be their family, not Sheila and Pearlinda, who are not even related by blood. I love my daughters, I miss them and want them back. I am doing everything I can legally, medically, educationally, and morally to prove that I am a good mother and will be an excellent mother and role model to all of my children.

I only wanted the best for my twin children. I thought the guardians were suitable and again this was meant to be a temporary situation. However, soon after I signed the guardianship papers, I realized what a terrible mistake I made. I saw how my children were treated, they would have scratches on their faces and bodies, flea bites all over their bodies, and my daughter Jadelyn's clothes looked like rags and were dirty. On several occasions, she did not have shoes. It has been documented by PACT that she had not shoes, and would show up in the same clothes on several occasions. But most of all,

both my daughter's teeth have been neglected and severe tooth decay occurred as most of their teeth have been silver capped by their dentist. Some people may claim that silver caps is a Hawaiian cultural thing and that the guardians obviously took them to the dentist so there is no neglect, however, I believe differently.

I have enrolled back in college, got a part-time job. I also have had private medicare insurance that all my children were enrolled in. I have been drug tested numerous times and each time the test turned out negative. I underwent two psychological examinations in which neither exam diagnosed me with a clinical disorder. I also completed a course in parenting. After I receive my Master's Degree in Bioengineering, I plan on moving back to Oregon and be reunited with my other 2 children. I would like for my twin daughters to know and be raised with their other brothers and sisters.

I live in a better situation, and things can't be better than this. I look forward to reuniting with my twin daughters with myself and our family.

Sincerely,

Angela Kaaihue

**WITNESS TESTIMONIAL AND EXCERPTS TAKEN FROM  
ATTORNEY SCOTT STRACK, AND DR. JEFFREY STERN, PH.D.  
Psychologist Dr. Jeffrey Stern, Ph.D:  
1833 Kalakaua Ave. Suite 503, Honolulu, HI. 96815  
Hawaii Licensed Clinical Psychologist**

"I was asked . . . To work with her in regenerating a relationship with her preschool aged twin daughters. . . . These foster mothers are understandably reluctant to support biological mother-child relationship development for fear Ms. Kaaihue's true intention is to take back custody of her children. . . . Foster Parents were manipulating situation from their end undermining attempts to reduce the children's separation anxiety. This is a 'Catch-22', get better and you may get taken away, stay dependent/anxious and you will be allowed to stay with your foster mothers . . ."

**Scott T. Strack, Attorney at Law  
1343 South King St. Suite 1263, Honolulu, HI. 96814**

"The information I have been given indicated that this was basically a kidnapping under the guise of law." Tina basically put on a sales pitch. . . Told Angela her sister did babysitting to give moms a rest, chance to run errands. . . At her trial, Sheila and Pearlinda testified that they had been solely caring for her twins since they were six weeks old. According to Angela and her mother, this is not true. . . documents support my client's contention that the children often appear with cuts, bruises and abrasions. Many of my client's visitations were cancelled, often without notice, because the children were 'sick' or no reason was given at all . . . Additionally, the children's teeth seem to be unhealthy. Drug use by the guardians' family is reported to me as well as the criminal problems which have been raised . . . They set her up with CPS and welfare, made comforting promises they never intended to keep and took the children's guardianship knowing they never intended to relinquish it. . . . Concerned that Dawn Slaten was the children's attorney for some period, left the case and then came back as attorney for the guardians . . . Observed one of the twins. . . 'play sex', yet when reported it Dawn tried to portray it as some bad act . . . Instead of seeking you to investigate what happened and whether it is a sign of some problem. I've been around enough to know it could be a sign of innocent curiosity from something a child noticed/saw, but it also could be a sign that the child has been the subject of inappropriate behavior. . . Concerns about the children's therapist . . . To imply that having their blood relatives involved in their lives is unnecessary, unproductive and is an interruption and/or intrusion in their lives is unprofessional and a disservice to the children. . . Has he looked into why the children appear to be uninterested in vi-sits? Again we seriously question as to the coaching the children seem to be getting.

**ATTORNEY DAWN SLATEN, PROBONO 8 YEARS FOR  
GUARDIANS/FOSTER PARENTS**

On Oct. 30, 2008, Attorney Dawn Slaten files ORDER GRANTING MOTION TO SUSPEND VISITATION, in paragraph 3, "The court did not consider the minor inconvenience to the guardians in transporting the minors to the visitation site"

NOW THEREFORE IT IS HEREBY ORDERED that the Motion to Suspend Visitation filed on Sept. 9, 2008 is granted and all visitation between the minors and their mother and their maternal grandmother is suspended.

On Feb. 10, 2009, Attorney Dawn Slaten writes, in par. 1, "It is in the minors' best interests to deny grandmothers Motion to Intervene. The child is vulnerable and in need of special protection. In par. 4, "guardian is de facto parent of the child . . . The guardians are capable of making decisions that are in the child's best interests, including determining whether it is in the child's best interests to visit with her Grandmother." In par. 5, "Once a guardianship has been established by court order, a permanent de facto parent child relationship is established." In Par. 6, " The specter of continued litigation creates a huge cost as it continues to create an unstable living situation for the child."

TO: Representative Mizuno, Chair  
Representative Brower, Vice Chair  
Members of the Committee on Human Services

FROM: Yoshiko Kerkau  
(808) 780-7868

DATE: April 22, 2010

RE: Strong Support for SCR91 SD1

I wish to submit my request for an audit and full review of my three children's custody case which involves my ex-husband's abusive conducts before it's too late.

In 2008, my ex-husband filed a motion to obtain a full custody of my three children using baseless accusations and untrue stories including his use of fraudulent financial reports which the judge accepted rather than asking for support documents of his claims. During the court proceedings the judge appointed a Guardian Ad Litem to investigate the matters. He conducted his reviews and concluded on April 24, 2008 that I should have the full custody of the children. The report revealed many concerning, abusive behaviors of my ex-husband but the judge listened to my ex-husband's opposition to the report without any evidence. The judge chose to listen to my ex-husband's cries and did not follow the children's GAL report. Therefore, **I was not awarded full custody despite the GAL's recommendation!**

I could not understand the judge's ruling as she was the one who appointed the GAL but in the end ignored his report! I was worried about my children so I took the issue to Child Protective Services but they did not want to interfere with the family court case! I then wrote to Judge Frances Wong requesting for her review but my request was simply denied.

**My ex-husband continues to abuse his current spouse (a police report had been filed), continues to abuse the law (a judgment was filed against him by Circuit Court in January 2009 due to his violation of the State Law), ignores the children's needs and continues to lie and mishandle children's welfare in order to support his extravagant life style. His current wife warned me that my ex-husband is damaging the children. His girlfriend whom he met at the DUI meeting (he was arrested for DUI) during our divorce also ran away from him as she said he was too dangerous.** She may be identified by the police department but she was too afraid to come out to testify.

Recently he closed his contracting business and decided to move to Arizona blaming Hawaii's poor economy and failing education system. **My ex-husband is pressing the children to move with him** but they are too young to understand the truth and "safe" environment for them.

I have a safe home, two jobs and supportive neighbors and friends. They are all willing to testify for me as well. It is my responsibility to raise my children to become adults who can respect others, show compassion and contribute to a community. If we allow our children to become abusers, we will not have a peace and prosperous society.

Thank you for your time reading my letter. I look forward to your assistance and support.

Very Truly Yours,

Yoshiko Kerkau  
(808) 780-7868

TO: Representative Mizuno, Chair  
Representative Brower, Vice Chair  
Members of the Committee on Human Services

FROM: Donna and Steve LaDuke  
210 Dogwood Drive  
Warroad, MN 56763

DATE: April 22, 2010

RE: Support for SCR91 SD1

Dear Representatives,

**On October 7, 2005 our daughter was murdered in Hawaii by her son's father, leaving behind a 19½ month-old little boy.** Immediately the state of Hawaii CPS department took the only grandchild we'll ever have by our daughter out from the safe home where he was living with his maternal step-aunt and our daughter's best friend and placed him in a non-relative emergency foster care home where he remained for 14½ months, which for his age, was almost 1/2 of his then young life!

During this time CPS initiated visitations between this baby and his "father" (who had only recently been informed that he was the parent by a paternity test) at the Navy Brig on Ford Island for supervised visits that lasted for one hour each Monday morning. **When we asked why the murderer's wishes were being granted regarding custody and visitation, we were told "he didn't do anything to harm the child" so even though he brutally killed the mother of his child, he doesn't pose ANY harm to him?**

In essence, the murderer's rights superceded both our daughter's rights and also the child's rights. We had been informed of an agreement between CPS and HSCADV that said they would work collaboratively on cases involving Domestic Violence and CPS, but that never happened despite the efforts of our Survivor Advocate. Instead we were forced into a very lengthy and costly legal battle with the state of Hawaii in order to make a home for this baby that had lost his mom.

Our family was forced to fight just for visitation to see this little guy, who now was an orphan. There were many horrific events that followed and finally on July 28, 2009 we were able to complete his adoption, but this is NOT "a happy ending" to this tragedy. One of the largest after effects for this young child being placed in foster care is that he was recently diagnosed with PTSD. Besides the loss of his mother, being placed in non-relative foster care was NOT in his best interests, along with those jail visitations with the man who murdered his mother. So, now we begin the long road of therapy to help him understand all that has happened in his young life.

The most egregious thing to be done to this child was to have his mother taken from him, however the act of murder didn't even touch the radar to say that this child had been harmed. How totally unbelievable! Please, we beg of you to **review procedures and policies in the custody process especially where Domestic Violence is involved.** It is truly in the "best interests of the child" that we pay special attention to these cases where a child's birthright and a victim's right for safety and protection from a known abuser must be paramount. Thank you for the opportunity to be heard.

Respectfully submitted,

**Donna and Steve LaDuke**

**From:** Dara Carlin, M.A. [mailto:breaking-the-silence@hotmail.com]  
**Sent:** Wednesday, April 21, 2010 9:06 AM  
**To:** HUSstestimony  
**Subject:** Testimony In Support Of SCR91 to be heard April 22, 2010 at 11:00am in Room 229

Dear Representative Mizuno, Representative Brower & Members of the Human Services Committee,

The testimony below is in support of Resolution SCR 91 that addresses the need for an investigation into the way in which child and domestic abuse cases are handled in Hawaii's Family Court system.

In September 2007 my Family Court case was transferred from California to Hawaii (Kauai), approximately two years after my daughter was moved to Kauai by her father and grandfather.

In August 2006 I received a historical acquittal by a jury in California for leaving the jurisdiction with my daughter to protect her from child abuse. The jury heard most of the evidence that had been presented in Family Court and decided that the Family Court Judge, CPS and the District Attorney's office all failed to protect my daughter from physical and sexual abuse.

Nine months later, in June 2007 I moved to Hawaii to be closer to my daughter.

Shortly after my arrival, I received information from the attorney of my ex's fiance, Ms. Li, informing me that she had fled from their home on Kauai to protect her daughter and herself from abuse by the same father and grandfather. Ms. Li filed for a restraining order in California against both father and grandfather stating that both men physically abused her and her 3 year old daughter. Ms. Li also documented the abuse toward my daughter expressing her concern about on going sexual abuse of my daughter by the father. Ms. Li's attorney asked me to help with the service of the restraining order to the father.

After my attorney was informed about the matter, he requested a deposition of Ms. Li where she confirmed all allegations of abuse under oath. In the meantime, my therapist, Bev Eager, reported the child abuse to Kauai Child Protective Services. Unfortunately, the case was never investigated.

On 9/14/2007, instead of talking to my daughter in a safe place, Kauai CPS contacted the father and had him pick up my daughter at school and bring her to the Children's Justice Center. There, she was interviewed while the father sat just outside the room.

My daughter's therapist, Dr. Diane Gerard, who had ties with and trained at the Children's Justice Center, was instrumental in this plan. Both Dr. Gerard and CPS are fully aware of the strict rules of the CJC which clearly states that the alleged abuser is not permitted on the center's premises. In this case, however, CPS, CJC and Dr. Gerard all broke the rules when they allowed this interview to occur as it did.

At the time of the CPS interview of my daughter, Dr. Gerard had a copy of Ms. Li's restraining order application with all the details of the abuse toward Ms. Li, her daughter



and my daughter. Instead of sharing this vital information with the CPS case worker, Dr. Gerard kept the abuse allegations a secret. In other words, Dr. Gerard helped to cover up child abuse.

My daughter did not disclose child abuse at the interview and the next day received a puppy she was promised the day of the interview. The case was closed by CPS that day without talking to Ms. Li, me (in depth) or witnesses, including my daughter's nanny or anyone else who testified at my trial. CPS simply chose to ignore the history of abuse on this case.

By now, two mothers had come forward and reported child abuse about the same father and grandfather. All abuse concerns were ignored by an agency responsible for child safety. Due to this negligence, testimony from two mothers was later dismissed by Kauai's Family Court Judge, Calvin Murashige.

With three 911 calls in the same month (May 2007) regarding the violence in my daughter's home, Judge Murashige denied my attorney the ability to question CPS, Dr. Gerard, Tom French of the Children's Justice Center and the neighbors who called 911. We had no way of getting to the truth of the matter.

After receiving the trial transcript, the care giver's testimony, the court mediator's recommendation and much more, Dr. Gerard suggested that all mother/daughter contact be cut off in her report to Judge Murashige.

Today, my daughter still lives with her father and grandfather. After 2.5 years of requesting a trial in Kauai's Family Court (which was pending my criminal trial in CA.), I was recently denied. All Due Process has been denied to me in the state of Hawaii preventing me from being able to protect my daughter from child physical and sexual abuse.

Please pass SCR 91 so we can begin to protect our children in Hawaii and in the rest of the country. So many cases come from other states and these children become victims of Hawaii Family Court's and CPS's negligence.

Together we can protect our children and our future.

Thank You~

Sincerely,

Jonea Schillaci-Lavergne  
6737 Puu Pilo Place  
Kapaa, HI 96746

Poag

**From:** Valerie Poag [mailto:vpoag@baywest.tv]  
**Sent:** Wednesday, April 14, 2010 2:56 PM  
**To:** Rep. Tom Brower  
**Subject:** please support SCR91

Aloha Hawaii State Representative,

I am writing to you to ask that you **please support the House passage of SCR91** and act NOW to ensure its passage during this current legislative session.

“Crisis in Family Court” - please consider watching TONIGHT Wednesday 4/14 at 10:00pm on KHON2. Dr. Phil shines a light on the American Family Court system and how often it fails its citizens.

Hawaii has the potential to set an example for the rest of the nation by taking the first step in correcting the current Family Court situation. On Mother's Day - Sunday, May 9, 2010 - domestic violence survivors from across the country will be at The White House to request an investigation into these cases. They will specifically name Hawaii as one of the starting points, as this is the President's home state. The passing of SCR91 prior to 5/9/2010 would show that Hawaii is taking proactive measures to address what we know will be uncovered throughout the nation.

Please also take a moment to read the Testimony in Support of SCR91 at:  
[http://www.capitol.hawaii.gov/session2010/Testimony/SCR91\\_TESTIMONY\\_HMS-JGO\\_03-30-10.PDF](http://www.capitol.hawaii.gov/session2010/Testimony/SCR91_TESTIMONY_HMS-JGO_03-30-10.PDF)

Thank you very much for your time and consideration,

Sincerely,

Valerie Poag

[vpoag@baywest.tv](mailto:vpoag@baywest.tv)

F A C S I M I L E

To: Members of the Hawaii State House Finance Committee

**RE: PLEASE SUPPORT SCR91's PASSAGE – IMMEDIATE ACTION NEEDED**

- To: Chair Marcus Oshiro Fax: 586-6201 ✓
- To: Vice-Chair Marilyn Lee Fax: 586-9466 ✓
- To: Rep. Henry Aquino Fax: 586-6521 ✓
- To: Rep. Karen L. Awana Fax: 586-8469 ✓
- To: Rep. Tom Brower Fax: 586-8524
- To: Rep. Isaac Choy Fax: 586-8479
- To: Rep. Denny Coffman Fax: 586-9608
- To: Rep. Sharon Har Fax: 586-8504
- To: Rep. Gilbert Keith-Agaran Fax: 586-6211
- To: Rep. Chris Lee Fax: 586-9456
- To: Rep. Scott Nishimoto Fax: 586-8519
- To: Rep. Roland Sagum Fax: 586-6281
- To: Rep. James Tokioka Fax: 586-6271
- To: Rep. Jessica Wooley Fax: 587-8544
- To: Rep. Kyle Yamashita Fax: 586-6331
- To: Rep. Lynn Finnegan Fax: 586-9476
- To: Rep. Gene Ward Fax: 586-6421

I am writing today to encourage you to **PLEASE ACT NOW** to ensure passage of SCR91. Do not allow this important piece of legislation to die. It is quickly becoming a well-known **FACT** that Family Courts throughout the nation are in need of major reform. We here in Hawaii have an **OPPORTUNITY** to lead the nation in bringing reform to the Family Courts.

**"Domestic Violence, Abuse, and Child Custody"** - just published, includes extensive current research and insights from leading experts. Further information from this website: <http://www.civresearchinstitute.com/dvac.html> is below:

***Domestic Violence, Abuse, and Child Custody*** presents insights and hands-on practice guidance from the leading experts on child custody cases that involve intimate partner violence and child abuse. Chapter authors address the prevalence of these problems, the complex reasons why protective mothers lose custody of their children, the things court agents and other professionals often do that contribute to bad outcomes, and the corrective measures that must be put into place to ensure legal protections for abused women and their children.

- Understand the harm caused by all types of abusive behavior, whether physical, verbal, financial, legal, or other forms.
- Guide the representation of protective mothers through research, case law, and consultation to improve case outcomes.
- Establish the paramount importance of children's safety beyond all other priorities that may emerge in a child custody case.
- Provide judges with new insight into the dynamics of violence, recognize when experts and other types of witnesses are providing testimony based on myths, stereotypes, and discredited theories, and provide an empirically based, real-world rationale for orders emphasizing the safety of protective mothers and the accountability of batterers.

In the words of one Louisiana state judge:

"For years custody courts have confidently denied complaints by mothers of unfair treatment in domestic violence cases. If the court system had commissioned research to determine how the present practices are working, the result would be the information contained in *"Domestic Violence, Abuse and Child Custody"*. The research findings demonstrate court practices are outdated and their confidence misplaced. Wise judges will use the up-to-date research now available to take a fresh look at practices and assumptions deeply ingrained after thirty years. No one wants to be known as the judge who hurts children and this research can prevent the kinds of tragic outcomes we see too frequently."

—Judge Sol Gothard, JD, MSW, ACSW, Fifth Circuit Court of Appeal, State of Louisiana (ret.)

**RE: PLEASE SUPPORT SCR91's PASSAGE – and TAKE ACTION TODAY**

Sincerely, Valerie Poag vpoag@baywest.tv

Page 2 of 2

TO: Representative Mizuno, Chair  
 Representative Brower, Vice Chair  
 Human Services Committee Members

FROM: Iva Taylor  
 300 Wai Nani Way 802  
 Honolulu, HI 96815

DATE: April 22, 2010

RE: Strong Support of SCR91 SD1

I am submitting my testimony, my case of abuse and injustice from family courts for use and proceedings and I am fully in the support of this BILL to PASS!!!!!!!!!!!!

THIS IS MY STORY which is the reason for WHY I AM STANDING BEHIND this

This is my 6th year custody case ongoing and dealing with the Family Law and Courts. I have been made a victim of the USA as a cruelly, mentally-abused woman as has my daughter, a gorgeous 6 year-old girl who was taken away from me because her father "paid" to remove me from her life at the price of \$700,000, using the family court system and a judge who was not ethical to punish me because I said a "MOTHER'S INSTINCT of her sick child OVERRULES A JUDGES RULING".

Yes, THAT was what I SAID to him and that was besides other very similar "reasons" why he took my daughter away from me 100% though for 5 years I was the one mostly with her! He did it to punish me and my daughter even though her abusive father was labeled as "cruel and mentally abusive" by Immigration. But he had money to buy my baby away from me. WHO SUFFERS??? I think you know the answer (if you have children) who suffers most...the one who is the child whose supposed to be protected by the law and by the Hawaiian Family Court.

PLEASE I do give all my hopes in you. This is my 6 year horror story so that you know what is happening in this state. It is a shame on America what is truly going on in Family Courts without any control system.

I am from Europe, living here since 2003 when my daughter was born, and right away she was abducted by her vicious father who is a "civilian worker for Department of Defense" at Pearl Harbor. He did all he could to deport me and take my premature newborn from me. He hid her from me for 2 weeks - no police no one cared! **She was a 19 day-old premature newborn and I did not know where she was!** It was a CRIME but he was treated as a king for being American.

For six years instead of enjoying my baby, my child I adore, I was 6 years till this day through the family courts only to lose her, fighting for 5 years with all my money to have her by me. After 5 years, I was out of money. The first 3 years here I could not even get working permission so could not work. Lucky I had savings and people who helped here!

So I had no money and her father BOUGHT my daughter from the Judge using Dr. Acklin, a proven abuser himself, but a custody evaluator! and Thomas "Crowley and Rezente" law firm - all together. I was Pro SE. Alone. And on top, I DID NOTHING. They took my child away on New Year's Eve 2008 based upon only lies of the rich father told during 23 of December 2008 - and gave me **only 1 hour at PACT per week** under the "highest level" of supervision! Not even a murderer in the USA has such a injustice with his children" which is humiliating and unreal! (FYI, I'm not a drug addict, homeless, not an alcoholic, not a prostitute, never have been any of it!)

I have been an "A" student at American schools and assisting surgeries now after years of studying here, have stable home with a room for my daughter, am happily remarried to a wonderful husband - Robert Ingraham - for 3 years, whom my daughter adores. I have stability and job while my daughter is in place where mean stepmother, who has her own new baby, doesn't want her there. My daughter knows that she is the poor Cinderella, who is forbidden to talk a word about her own mommy and punished for that. Even she does not like her father - but must be with him 24/7 because he had money to take her away from me!

*I was taken away my right, the basic human right as a mother and my daughter 6 years-old was taken her right as a child to be with her own mommy whom she cries for and want to be with . And what is the reality? NO ONE CARES! This is no "small injustice" to hurt OUR FUTURE GENERATION - our children and make this world even worse perhaps in the future.*

Family court and Judges are GODS here, aren't they? And they not do what is in the best interest of the child as they are ethically sworn to, but instead harm them.

I am waiting with my heart bleeding every day for her. I am not to be able to see her grow or put her sleep. I wait patiently because what else I can do in this system right? Waiting for when she gets old enough to scream at judge "I WANT TO GO TO MY MOM! YOU DESTROYED MY LIFE!" and at the end??? We are in America so I guess I am to sue the system, the Judge and hold them all accountable for damage of my girl? I don't want this, I want my daughter. You say report abuse, you see it for yourself when he takes away a 19 day-old newborn from her mother but you do nothing. THIS is "American justice"?! Shame on Hawaii! Shame on the USA!

Sincerely

*Iva Taylor*, 43 years-old

European, Czech Republic citizen living in Honolulu 6 years as a prisoner of system - waiting to be here for my daughter who was taken from me cruelly and inhumanly.

300 Wai Nani Way 802

Honolulu, Hawaii 96815

**email:** ivahawaii007@aol.

**cell:** 808 990 1185,

**work:** 808 536 8866 or 18004889855,

**fax** 8085368867

From: Dara Carlin, M.A. [mailto:breaking-the-silence@hotmail.com]  
Sent: Tuesday, April 20, 2010 7:52 PM  
To: HUS testimony  
Subject: SUPPORT for SCR91 to be heard on Thursday, April 22, 2010 at 11:00am in Room 229

To Whom It May Concern:

CA Protective Parents Association has conducted research into anecdotal reports that children are being taken from safe parents (mostly mothers) and placed with physically and sexually abusive parents (mostly fathers). At first, this was difficult for us to understand or even believe. The more we looked into the situation, the more concerned we became. Preliminary results of national research conducted by researcher Geraldine Stahly, Ph. D. in collaboration with our organization is copied below for your information. We ask that you assist us in making child physical and sexual safety the highest priority of family courts across the nation. We continue to receive calls and emails from battered women and abused children on a weekly basis who tell us similar tragic histories. Please do not hesitate to contact us for more information.

Sincerely,

Connie Valentine, M.S.  
CA Protective Parents Association  
[www.protectiveparents.com](http://www.protectiveparents.com)  
530-753-0807

## **PROTECTIVE PARENT SURVEY PROJECT – UPDATED JUNE 29, 2009**

The following is a preliminary analysis of a national survey of protective parents involved in custody disputes. The survey was designed and analyzed by Geraldine Stahly, PhD, professor at California State University San Bernardino, and her research team. Despite the researchers' efforts to include protective fathers, only protective mothers responded to the survey.

The data reflect the entire sample (n=362). A California subset (n=137) shows comparable percentages.

### **SUMMARY OF RESULTS**

#### **Custody dispute arose after separation/divorce:**

81% of these 362 cases occurred when the primary caretaker (the mother) had primary custody. The mothers initiated litigation 58% of the time. In 93% of cases, the dispute centered on child custody and visitation.

#### **Substance abuse by parties at separation:**

Substance abuse loomed large. 65% of fathers versus 12% of mothers were reported to have a substance abuse problem. However, 98% of mothers versus 38% of fathers were currently abstinent.

#### **Abuse and violence were the primary reasons for starting litigation:**

89% of mothers reported being victims of domestic violence. Children witnessed the violence in 80% of cases. 82% of fathers threatened to take the children if the mother left the relationship, and violence began or escalated at time of separation in 59% of cases. 50% of fathers and 15% of mothers had a criminal history.

#### **Child abuse:**

Allegations of child abuse arose in 88% of cases (physical abuse in 70% and sexual abuse in 64% of cases).

#### **Evidence of child abuse said to be higher than in successful criminal cases:**

Medical or physical evidence of child abuse stood at 59%. 82% of cases had other corroborative evidence of child abuse. In 74% of cases, the child positively identified the father as perpetrator.

### **Children's symptoms:**

The children had serious symptoms: sleep disorders 72%; rage 56%; regression 55%; fears/phobias 61%; pain 54%; depression 54%; sexual acting out 39%, constipation/diarrhea 33%; dissociation at 40%; learning disability 23%; and eating disorders 23%.

### **Mothers were warned not to talk, or risk losing their children:**

66% of mothers were advised not to mention domestic violence or child abuse.

### **Custody changed:**

Custody was changed over the mother's objection and/or in an emergency hearing in 70% of cases after mothers brought the following issues to the court's attention: child abuse 60%; child support 53%; domestic violence 47%; violation of court order 42%; criminal conduct 27%; substance abuse 23%; move away 15%; and spousal support 10%.

### **Evidence of child abuse was ignored, minimized or refuted in family court by:**

In 77% of cases, judges ignored or minimized evidence of abuse, along with 64% of custody evaluators; 47% of attorneys for child; and 36% of mediators.

### **Court-ordered child custody evaluators:**

In 85% of cases, a child custody evaluation was ordered, yet the court paid for the evaluator in only 9% of cases. 67% of mothers lost parenting rights based on evaluator's recommendation.

### **Court-ordered mediation:**

Court-connected mediation occurred in 69% of cases. 78% of mothers had to meet with the domestic violence perpetrator face-to-face. Mothers lost parenting rights in 44% of cases based on mediator recommendations.

### **Court-ordered attorney for child:**

Attorneys for children aggressively advocated for their young clients in a scant 9% of cases.

### **Outcomes:**

56% of mothers attempting to protect their children were restricted from all contact with their children. 47% were put on supervised visitation at some point and 40% of mothers were declared unfit parents after trying to protect the children. 24% of fathers were arrested for spousal/child abuse; only 14% were prosecuted.

### **New mental health labels for mothers:**

43% of mothers were labeled with the non-scientific "Parental Alienation Syndrome" (PAS). Another 33% were labeled "Alienators."

### **What mothers believe are reasons for custody outcomes:**

98% of mothers believed they lost custody due to discrimination for trying to protect children from violence/abuse. 77% believed there was unethical communication among court professionals and 76% believed there was unethical communication or relationship between father and court professionals.

### **Due process and law violations:**

89% of mothers reported being denied the ability to adequately present the case.

72% of the fathers were represented by an attorney while the mother had no attorney.

66% of mothers were told that talking publicly would damage the case.

64% of hearing transcripts were denied or delayed.

62% of ex parte hearings resulted in a custody change to the abuser without the mother present at the hearing.

61% of hearings about custody were held without a court reporter present, thus precluding an appeal.



59% of mothers were prevented from seeing or having a copy of the custody evaluation.

**The current situation is grim for children:**

38% of fathers have full custody, even when they were identified as perpetrators of abuse.

22% of mothers were allowed no contact at all with their children.

17% of mothers received supervised visitation; whereas, only 6% of fathers received supervised visitation.

66% of mothers believe their children are still being abused, yet 60% stopped reporting abuse for fear their contact with their children will be terminated.

66% of the children continued to report abuse.

**Litigation is financially devastating and unending:**

27% of mothers filed for bankruptcy after spending a modal average of \$100,000 on litigation.

78% of the cases are still in progress.

**Analysis:**

It is clear from these data that children are being taken from their primary caregiving mothers and placed with fathers whom the children identified as abusive. The family court is not responding well to the plight of abused children. As medical research shows, these children will have far-reaching negative outcomes in adulthood. It is incumbent upon family court to prevent such outcomes by keeping children safe and nurtured.

From: megan.wells@hawaiiantel.net [mailto:megan.wells@hawaiiantel.net]  
Sent: Tuesday, April 20, 2010 12:21 AM  
To: HUS testimony  
Subject: Testimony for SCR91

To whom it may concern,

I am writing to let you know that I felt victimized further in the Maui family court after I was physically attacked by my then husband. He held a Black Belt in Tai Kwan Do and after his abuse toward me escalated over the last 2 years of our marriage he finally assaulted me by clenching my trachea with a death grip that I was later told was only taught to black belts since it is not a self defense move but rather a move with the intent to kill. I was advised by a martial arts instructor that this was assault with a deadly weapon and that I needed to report it to the police. I did do a police report and sought help from Women Helping Women. I was granted a TRO but what I experienced when I returned to court to get a permanent restraining order to protect me was shocking. I was victimized further in the court room. My then husband had taken all the money out of our accounts and I had no money to get an attorney. He had hired Guy Haywood who proceeded to put me on the stand and grill me for 40 minutes until I was crying so hard I could no longer talk. He was using the fact that I faxed 1 note to my ex about something as proof that I was not afraid of him. My husband was never sworn in, never asked if he did the crime at all and the TRO was dropped without so much as a chance to say anything. The advocates from WHW were shocked and told me they had not seen that before where the perpetrator was not even questioned about the assault. The judge seemed to have already made up his mind before the hearing. I had to leave Maui and stayed around from house to house on the mainland for 6 months because I had no money and was afraid for my safety on Maui. I could not believe that this kind of injustice took place in the United States. I thought things like that only happened in 3rd world countries.

The divorce also brutalized me because my husband had gone around to all the best divorce attorneys and interviewed them so they would not help me claiming conflict of interest. When I did finally borrow money to get an attorney I believe he made a deal with my husband's attorney because the advice to me was (now in retrospect) very suspicious. I was told that even though I had compiled a well documented embezzlement case against my husband for over \$250,000 he had stolen from our equally owned business, my attorney told me it was not relevant to our property division. In the end my husband got our boat, rental property (which was a 9,000sq ft lot with new house and guest house), our electrical contracting business, (which I had worked daily in for the previous 5 yrs), our IRA accounts, all that was in our joint accounts (which he had already taken) and all the embezzled money. I got the house and car I owned before I married, that was all. Later I had attorneys tell me that they could not believe that a judge would approve such an unfair property split. I was told by my attorney that if I did not take the deal I would be forced to sell the house I had prior to marriage and give him half of that equity as well. Later I was told that my husband's attorney and mine lived next door to each other. I am positive that something unethical took place between them.

So far, every time I have gone to court I have witnessed judges making what appears to be biased rulings. I no longer believe we have a "justice" system. We have a good ol boy system based on my experience. Someone really needs to clean up this corrupt system and make sure that who ever has jurisdiction over the ethics of both attorneys and judges does their job.

Sincerely,  
Megan Wells

Guy Yatsushiro

**From:** guy yatsushiro [mailto:gyats1@yahoo.com]  
**Sent:** Tuesday, April 20, 2010 7:51 PM  
**To:** HUS testimony  
**Subject:** Support for SCR91 on April 22nd at 11am

Dear Representatives,

I've seen firsthand how this family court system is failing domestic violence victims so am in support of this effort.

If what's happening in family court was happening in the medical field, it would be called MALPRACTICE and everyone would lose their licenses! There's no oversight and that's what the problem is!

As an Internist, I'm qualified to treat all kinds of diseases but that doesn't mean I keep all the patients that come in to see me; if the presenting problem is heart-related, I refer out to a cardiologist who been specially-trained to deal with heart-related illnesses. The same should go for family court because it's clear that they do not know how to treat domestic violence cases - they need to refer out to the specialists who know how to handle these cases. If you don't have a Domestic Violence Court to send them to, then put these cases in CRIMINAL court because that's the only way you're going to be able to stop these wife beaters.

I heard in the California family court audit that the auditor may have to actually subpoena the family court records! They say it's all confidential information; I just thought you should know that doctors offices are routinely audited for Quality Assurance purposes and we don't notify the patients whose charts are being reviewed for consent so since our Judiciary is not opposing this and actually suggested that contested cases should be looked at, you shouldn't have any problems getting this resolution passed.

Thank you.

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**From:** Tom Marzec [mailto:adamtm@lava.net]

**Sent:** Thursday, April 22, 2010 4:09 AM

**To:** HUS testimony

**Subject:** Testimony in STRONG SUPPORT of SCR91 SD1 family violence investigating committee, HUS hearing  
22Apr10

April 22, 2010

LATE

**To:** Rep. John M. Mizuno, Chair  
Rep. Tom Brower, Vice Chair  
Committee on Human Services

Via email to: HUS testimony@Capitol.hawaii.gov

**From:** Tom Marzec

**Subj:** Testimony in **STRONG SUPPORT** of **SCR91 SD1** family violence investigating committee

**Hearing:** Thursday, April 22, 2010; 11:00 a.m.; Room 229, State Capitol

As an advocate for family court reform, I support this investigating committee. Any open and neutral investigation and compilation of how the family court handles domestic-family violence allegations, determines if a finding of domestic violence or of family violence is proven or not, and evaluates the associated impacts on custody and visitation during this process is desirable. The work, findings and recommendations of the investigating committee related to how this process works, for a broad number of cases, would be enlightening.

For this investigating committee, Hawaii Revised Statute §21-3 requires:

"The concurrent or single house resolution or statute establishing an investigating committee shall state the committee's purposes, powers, duties and duration, the subject matter and scope of its investigatory authority, and the number of its members."

SCR91 SD1 does not explicitly state the duration or number of members of this investigating committee and an amendment may be required.

Your continuing support of these family court initiatives is very appreciated!  
Thank you for the opportunity to testify.