
HOUSE RESOLUTION

REQUESTING THE JUDICIARY TO DEVELOP AND IMPLEMENT A TRAINING PROGRAM FOR FAMILY COURT JUDGES AND GUARDIANS AD LITEM TO BETTER RECOGNIZE AND UNDERSTAND DOMESTIC VIOLENCE.

1 WHEREAS, domestic violence is recognized as a pattern of
2 behaviors used by one person to coercively control another
3 person in a relationship; and
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5 WHEREAS, domestic violence may take the form of
6 psychological, physical, or sexual abuse and may happen once or
7 periodically to victims of any age, gender, race, culture,
8 religion, education level, employment status, or marital status;
9 and
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11 WHEREAS, the primary, most damaging, and long-term form of
12 domestic violence is psychological abuse, which rarely leaves
13 any physical traces of its occurrence; and
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15 WHEREAS, victims of abuse are encouraged to terminate
16 relationships with abusive partners for their own safety and the
17 safety of their children and to avert further and future harm;
18 and
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20 WHEREAS, the termination of an abusive relationship may
21 increase a perpetrator's lethality because the perpetrator loses
22 control over the victim and may increase abusive behavior in
23 order to regain control; and
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25 WHEREAS, child custody and visitation frequently become
26 disputed issues after a victim successfully escapes an abusive
27 relationship; and
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29 WHEREAS, the litigation of child custody and visitation
30 disputes often provides perpetrators of domestic abuse and
31 family violence with an ongoing venue for the continued use of
32 coercive control against their former partners under the guise
33 of child custody and visitation concerns; and
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1 WHEREAS, domestic violence is a serious crime in addition
2 to being a serious personal or family problem; and
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4 WHEREAS, section 571-46(a)(9)-(14), Hawaii Revised
5 Statutes, establishes specific criteria for the Family Court to
6 consider in custody or visitation disputes when family violence
7 has occurred; and
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9 WHEREAS, the Legislature is concerned that Family Court
10 judges may not be correctly applying or enforcing section
11 571-46(a)(9)-(14), Hawaii Revised Statutes, to the detriment of
12 domestic violence survivors and their children, and ultimately
13 punishing survivors and their children for successfully escaping
14 abusive homes; now, therefore,
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16 BE IT RESOLVED by the House of Representatives of the
17 Twenty-sixth Legislature of the State of Hawaii, Regular Session
18 of 2011, that the Judiciary is requested to develop and
19 implement a training program for Family Court judges and
20 guardians ad litem to better recognize and understand the
21 various signs and consequences of domestic violence; and
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23 BE IT FURTHER RESOLVED that certified copies of this
24 Resolution be transmitted to the Chief Justice of the Supreme
25 Court, the Senior Judge of the Family Court, the Administrative
26 Director of the Courts, and the Chief Court Administrator of
27 each Circuit.
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