
HOUSE CONCURRENT 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



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1 coercive control against their former partners under the guise
2 of child custody and visitation concerns; and
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4 WHEREAS, domestic violence is a serious crime in addition
5 to being a serious personal or family problem; and
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7 WHEREAS, section 571-46(a)(9)-(14), Hawaii Revised
8 Statutes, establishes specific criteria for the Family Court to
9 consider in custody or visitation disputes when family violence
10 has occurred; and
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12 WHEREAS, the Legislature is concerned that Family Court
13 judges may not be correctly applying or enforcing section
14 571-46(a)(9)-(14), Hawaii Revised Statutes, to the detriment of
15 domestic violence survivors and their children, and ultimately
16 punishing survivors and their children for successfully escaping
17 abusive homes; now, therefore,
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19 BE IT RESOLVED by the House of Representatives of the
20 Twenty-sixth Legislature of the State of Hawaii, Regular Session
21 of 2011, the Senate concurring, that the Judiciary is requested
22 to develop and implement a training program for Family Court
23 judges and guardians ad litem to better recognize and understand
24 the various signs and consequences of domestic violence; and
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26 BE IT FURTHER RESOLVED that certified copies of this
27 Concurrent Resolution be transmitted to the Chief Justice of the
28 Supreme Court, the Senior Judge of the Family Court, the
29 Administrative Director of the Courts, and the Chief Court
30 Administrator of each Circuit.
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OFFERED BY:

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