
From: Dara Carlin, M.A. [breaking-the-silence@hotmail.com]
Sent: Sunday, February 13, 2011 5:30 PM
To: HUSstestimony
Subject: HB616 to be heard Monday, 02/14/11, at 10:00am in Room 329

Importance: High

Categories: need to print

**LATE
Testimony**

TO: Representative John Mizuno, Chair
Representative Jo Jordan, Vice Chair
Human Service Committee Members

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

DATE: 02/14/11

RE: **COMMENTS & SUGGESTIONS, NO POSITION on H616**

Good Morning Representatives and thank you for allowing me the opportunity to provide testimony on this topic.

Like the grandparent visitation proposal just heard, I would ask that a DV EXEMPTION be put into place on this measure if it is to move forward.

In non-violent, non-abusive cases, this is a great piece of legislation that will enhance parent-child relationships that are subject to a distance or time difference.

HOWEVER, this same legislation can be easily twisted, manipulated and misused if put in to a domestic violence case. Custody and visitation become an abuser's new avenues to maintain his power and control dynamics over his victim once she has "successfully fled". Some studies have shown that upward of 80% of abusers become stalkers once they no longer have direct access to their target victim, so this legislation would be readily welcomed by those who've abused the mother of their children.

In one case I'm aware of, the survivor who was in-hiding with a TRO allowed Skype access between the young children and her abuser. Mom wanted to give the children their privacy while they spoke with their father, so would leave the children unattended in the room while she cooked dinner in the kitchen. The abuser was able to locate mom because he asked the kids to show him their pictures and papers from school and envelopes (with her address) that were on the desk.

Again, a benefit for non-abusive situation but a court-sanctioned avenue to stalking in abusive situations. Please make the distinction by including a DV Exemption.

Respectfully,

Dara Carlin, M.A.
Domestic Violence Survivor Advocate

Sent: Monday, February 14, 2011 4:10 AM
To: HUSstestimony
Cc: robin@angelgroup.org
Subject: Testimony for HB616 on 2/14/2011 10:00:00 AM

LATE Testimony

Testimony for HUS 2/14/2011 10:00:00 AM HB616

Conference room: 329
Testifier position: comments only
Testifier will be present: No
Submitted by: Robin
Organization: AngelGroup
Address:
Phone:
E-mail: robin@angelgroup.org
Submitted on: 2/14/2011

Comments:
Comments for HB616

Request exemption and consideration be made in cases of domestic and family violence. Access and control is the persistent goal of perpetrators of abuse. It can be used to relocate survivors and family member (including children); "supervision" is not always an option if a child has learned how to use the equipment, is unaware of the consequences, and is unduly influences by the perpetrator(s). This may need to apply to family members of the perpetrator(s).

LATE Testimony

Sent: Monday, February 14, 2011 1:34 AM
To: HUSTestimony
Cc: paigeemail@yahoo.com
Subject: Testimony for HB616 on 2/14/2011 10:00:00 AM
Attachments: 2011_0214_Testimony Partial Support with Suggestions HB616.pdf

Testimony for HUS 2/14/2011 10:00:00 AM HB616

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Paige Calahan
Organization: Individual
Address:
Phone:
E-mail: paigeemail@yahoo.com
Submitted on: 2/14/2011

Comments:

Proposed amendments are included. I am on Maui and can not be at the hearing. Dara Carlin can speak for me on this matter and I stand on my testimony.

(HB616)
RELATING TO CHILD CUSTODY.

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

FROM: Paige E. Calahan "DV Survivor"
POB 1380
Puunene, HI 96784

DATE: 02/14/11, 10am

Partial Support with **STRONG CONCERNS and Suggestions!** .

Good Morning Representatives,

I would like to thank you for addressing what can be a potentially dangerous and undesirable position for a child and protective parent.

I support access to a Child where that access is supportive and beneficial to the Child and the Child wants access. I have very strong concerns when it comes to DV and contested custody cases. When DV or contested custody is involved there is a strong potential for abuse. Citing custody and visitation issues becoming a perp's way of controlling his victim AND the high incidence of perps who go on to stalk and monitor their exs, so again, this is can be a dangerous thing for a victim in-hiding, for someone whose supposed to have supervised contact only, etc. Most electronic technology is automatically armed with GPS so the victim and Child are easily trackable. Many children of abusers DO NOT WANT CONTACT and so the ordering of electronic visitation against their wishes is problematic. I would like to see the wishes of the Child more heavily considered in the granting of additional access. The family court corruption issues and the renegade judge problems make this a very real safety risk and potential for great harm. I'm again going to ask for a **DV and contested custody Exemption** for this proposal.

Respectfully Submitted,

Paige Calahan
Mother of an abused child

Sent: Sunday, February 13, 2011 5:00 PM
To: HUS testimony
Cc: cheem@umich.edu
Subject: Testimony for HB616 on 2/14/2011 10:00:00 AM

Categories: need to print

LATE
Testimony

Testimony for HUS 2/14/2011 10:00:00 AM HB616

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Melinda Franklin (formerly Chee)
Organization: Individual
Address:
Phone:
E-mail: cheem@umich.edu
Submitted on: 2/13/2011

Comments:

My case illustrates, custody disputes have become a cottage industry, propelled by opportunities for financial gain. In the Hawai'i Family Court, court authorities have a daisy-chain of interconnected relationships, inflated by a sense of power, control, and money. The Hawaii Legislature has an opportunity to defend children, families and the United States Constitution by promoting a positive and optimistic approach to parenting situations where the child does not live with both parents. Children benefit from positive relationships with their parents, and it is widely recognized that children are more likely to thrive with support, guidance, and nurturing from both parents. After divorce, children and their parents will benefit when bonds are preserved. Rather than labeling one parent as a shadowy outcast who may only "visit", please recognize and uphold bonds between children and their parents. With Responsible Aloha,
Melinda Franklin (formerly Chee)

Sincerely,
Melinda Franklin (formerly Chee)

"Injustice anywhere is a threat to justice everywhere" Martin Luther King Jr.

Sent: Sunday, February 13, 2011 6:07 PM
To: HUSstestimony
Cc: dr.la@aloha.net
Subject: Testimony for HB616 on 2/14/2011 10:00:00 AM

Categories: need to print

**LATE
Testimony**

Testimony for HUS 2/14/2011 10:00:00 AM HB616

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Dr. Laurette DeMandel-Schaller, MFT, Ph.D.
Organization: Private Practice
Address:
Phone:
E-mail: dr.la@aloha.net
Submitted on: 2/13/2011

Comments:

It is important that awards of visitation rights may include visitation by electronic communication; and to establish factors that shall be considered; and to authorize courts to set guidelines for visitation by electronic communication. Thank you for letting me submit testimony by e-mail! Respectfully Submitted, Dr.Schaller,CE,GAL,MFT,Ph.D.

Sent: Monday, February 14, 2011 5:22 AM
To: HUSstestimony
Cc: adamtm@lava.net
Subject: Testimony for HB616 on 2/14/2011 10:00:00 AM

LATE Testimony

Testimony for HUS 2/14/2011 10:00:00 AM HB616

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Tom Marzec
Organization: Individual
Address:
Phone:
E-mail: adamtm@lava.net
Submitted on: 2/14/2011

Comments:

Creating standards for widely-used electronic visitation (or electronic parenting time) is a positive development. The importance of maintaining contact and spending time with a child can be enhanced by electronic means. Electronic parenting time is even more critical in Hawaii, an island with significant military families that may divorce, transfer or are deployed. Also, establishing that electronic means do not supplant actual custody or parenting time with a child is an important and sound policy statement to make.

Your consideration of these issues is very appreciated.