



HAWAII STATE BAR ASSOCIATION
Family Law Section

OFFICERS

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Thomas D. Farrell
tom@farrell-hawaii.com

VICE-CHAIR/CHAIR-ELECT

Steven L. Hartley
shartley@hmfamilylaw.com

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Jessi L.K. Hall
jhall@coatesandfrey.com

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Lynnae Lai Lan Lee
lee@lla-hawaiilaw.com

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Thomas L. Stirling, Jr.
Paul A. Tomar

Mailing address:

Family Law Section
P. O. Box 3733
Honolulu, HI 96812

Website:

www.hawaiifamilylawsection.org

**TESTIMONY OF THE FAMILY LAW SECTION
HAWAII STATE BAR ASSOCIATION IN OPPOSITION
TO HOUSE BILL NO. 944, RELATING TO FAMILY COURT**

WRITTEN TESTIMONY ONLY

House Committee on Human Services
Conference Room 329, State Capitol

Thursday, February 3, 2011 at 10:30 a.m

**LATE
Testimony**

Good morning, Representative Mizuno and members of the Committee:

My name is Steven L. Hartley and I am the Vice Chair/Chair Elect of the Family Law Section of the Hawaii State Bar Association. I submit this written testimony on behalf of the Family Law Section.

The Family Law Section is comprised of over one hundred attorneys who practice law in the Family Court. The majority of us handle all types of family law matters, including divorce, paternity, domestic violence and guardianship cases. As a Section, our testimony represents the collective views of our members.

In this regard, we strongly oppose HB 944 for the following reasons:

1. Requiring the already over-burdened Family Court to make a determination whether or not the Petitioner's request for anonymity "would be necessary to protect the privacy of the alleged victim" will cause further delays and increase court costs, especially when this determination is contested.
2. If the Temporary Restraining Orders and Orders for Protection do not contain the Petitioner's identity, enforcement of the Orders will be impossible because law enforcement officers will not know if the Petitioner/Complainant is the "Jane Doe" listed in the Order.
3. Attorneys representing the alleged perpetrators would not be able to obtain the prior filings of the alleged victim to determine whether or not the alleged victim is a chronic filer. This will likely cause even more delays and cost even more time and money as falsely accused perpetrators will be forced to appeal Orders they believe violate their right to confront their accusers.

Thank you for this opportunity to testify.