

DEPARTMENT OF THE PROSECUTING ATTORNEY
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LATE
Testimony

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THE HONORABLE JOHN M. MIZUNO, CHAIR
HOUSE HUMAN SERVICES COMMITTEE
Twenty-sixth State Legislature
Regular Session of 2011
State of Hawai'i

February 7, 2011

RE: H.B. 968; RELATING TO DOMESTIC ABUSE ORDERS.

Chair Mizuno, Vice Chair Jordan, and members of the House Committee on Human Services, the Department of the Prosecuting Attorney, City and County of Honolulu submits the following testimony in support of H.B. 968.

The purpose of H.B. 968 is to amend Sections 586-5 and 586-5.6, Hawaii Revised Statutes ("HRS"), to ensure that Temporary Restraining Orders ("TRO") issued pursuant to HRS Chapter 586 remain in effect for ninety days or until the service of a Protective Order upon the respondent, whichever occurs first. This language better clarifies the current process.

The Department of the Prosecuting Attorney would like to make a friendly amendment by extending the period for a temporary restraining order to not exceed one hundred eighty days. This would give law enforcement more time to service a protective order since some respondents make it difficult by eluding the service.

Therefore, the Department of the Prosecuting Attorney of the City and County of Honolulu supports H.B. 968 with our friendly amendment. Thank you for this opportunity to testify.

HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

The Honorable John Mizuno
House Human Services Committee
Twenty-sixth State Legislature
Regular Session of 2011
State of Hawai'i

**LATE
Testimony**

February 6, 2011

RE: HB968 - SUPPORT

Hearing Date: Monday, February 7 at 9:35am, Room 329

Chair Mizuno and members of the House Committee on Human Services, the Hawai'i State Coalition Against Domestic Violence respectfully submits the following testimony supporting HB968. As a statewide coalition of domestic violence service providers, our mission is to ensure the safety and protection of women in intimate relationships by providing training and education, coordinating domestic violence prevention and intervention services, affecting public policy, and establishing coordinated and consistent procedures and actions by the civil and criminal justice systems in Hawaii.

Temporary Restraining Orders (TRO) and Protective Orders (PO) are a valuable tool which victims of domestic violence can use to help protect them from abuse. However, there is a lapse in protection in cases where the respondent is served the TRO, but does not appear at the Order to Show Cause Hearing (OSC) where the Protective Order is granted. The approval of the PO makes the TRO no longer enforceable, meanwhile the PO is not enforceable until it has been served. Batterers are often aware of this gap in the system and are intentionally absent from OSC and avoid service of POs, leaving domestic violence survivors vulnerable.

HB 968 allows a TRO to remain in effect for 90 days or until service of a PO, whichever occurs first, and amends the law to provide that protective orders orally stated by the court on the record shall be effective upon service on the respondent. This bill would address the issue of batterers who evade legalities and manipulate the systems intended to protect the victim.

Thank you for your consideration.

Submitted by:
Veronika Geronimo
Executive Director, Interim
Hawaii State Coalition Against Domestic Violence
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From: Ann Freed [annfreed@hotmail.com]
Sent: Monday, February 07, 2011 12:04 AM
To: HUSTestimony
Subject: HB968 support

**LATE
Testimony**

COMMITTEE ON HUMAN SERVICES

Rep. John M. Mizuno, Chair
Rep. Jo Jordan, Vice Chair

Hearing on HB968
Monday, February 07, 2011
9:35am
Conference Room 329

Aloha Chair Mizuno, Vice Chair Jordan and committee members,

I am in support of this measure that would hopefully offer more protections to victims of domestic violence.

Mahalo nui,

Ann S. Freed
Mililani, HI
623-5676

HB 968

LATE TESTIMONY

February 3, 2011

Representative John Mizuno, Chair,
House Human Services Committee
Hawai'i State Capitol
415 S. Beretania,
Honolulu, HI. 96813

RE: Informational Briefing on Monday, February 7 at 8:30am (Room #329)

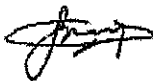
To the House Human Services Committee:

My name is Joy Lacanienta and I'm a survivor of Domestic Violence. I would like to be given an opportunity to share my experience as a survivor and the necessary steps I took as well as the amount of work my network of support, provided me in order to navigate through the Justice System and finally evolve to a place of healing (for me and my daughter). It has been almost 12 years since I left my abuser but the emotional scars of dealing with the system, keeping-up with documentation and reporting the violation of the TRO has been a traumatic experience in and of itself.

Organizations such as the Domestic Violence Action Center (DVAC) has assisted numerous families to gain such support to protect their rights. However, there are still much needed work to revise legislation, such as HRS Section 586-5 and 586-5.6 to secure the safety of DV survivor, their children, and others as they transition from the time of the OSC hearing until the alleged abuser is served with the court order.

I fully support any measure that our justice and legislative system can enact to ensure the safety of survivors and their families.

Sincerely,



Joy Lacanienta