



*THE JUDICIARY, STATE OF HAWAII*

**Testimony to the House Committee on Human Services**

The Honorable John M. Mizuno, Chair  
The Honorable Jo Jordan, Vice Chair

Thursday, March 10, 2011, 10:45 a.m.  
State Capitol, Conference Room 329

by

R. Mark Browning  
Deputy Chief Judge/Senior Judge  
Family Court of the First Circuit

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**Measure No. and Title:** House Concurrent Resolution No. 61 (HCR No. 61), 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

**Purpose:** Requesting that the Judiciary develop and implement a training program for Family Court Judges and Guardians Ad Litem relating to domestic violence.

**Judiciary's Position:**

The Judiciary respectfully opposes HCR No. 61 because of the strongly stated legislative concerns regarding Family Court judges in the last "whereas" paragraph of this resolution, and because mandating domestic violence awareness training for these judges would shift the focus from other more necessary solutions, especially in light of the judges' already extensive training in this area.

If the concerns raised in this resolution are based on the Family Court judges' appellate record, they would be inaccurate because the overall appellate record of the Family Court judges is consistent with other groups of Hawaii judges who preside over criminal, civil, and district courts. This is one of the crucial measures of judges' performances.

For years, the Judiciary and Family Court have placed a priority on training regarding domestic violence, its dynamics, and its consequences. Portions of all annual Family Court Symposia, attended by the Family Court judges statewide, focused on domestic violence in various types of cases. For example, an all-day training by a national expert regarding custody evaluations contained specific portions concerning domestic violence as well as domestic violence considerations raised throughout the entire training session. In the past two Family



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Court Symposia, large portions of the multi-day conference were focused solely on domestic violence.

In 2009, a mainland judge, who is a domestic violence expert, was invited to present on the practical implications of domestic violence research, understanding victim behavior, and protective orders. In addition, a local organization presented on local trends in domestic violence over the past five years, statewide domestic violence services, understanding victims and safety issues, what works in batterers programs, and the effects on and the resiliency of children exposed to domestic violence.

In 2010, the training featured a national/international panel of speakers selected by the National Council of Juvenile and Family Court Judges (NCJFCJ). The training, entitled "Accounting for Domestic Violence in Child Custody Cases," covered victim and perpetrator behavior, implications for parenting, getting the right information for child custody and visitation cases, and crafting parenting plans for the best interests of the child and safety of the custodial parent. Each Family Court judge was given a benchbook with model best practices entitled *A Judicial Guide to Child Safety in Custody Cases*, published by the NCJFCJ.

Also, in 2010, the statewide judicial conference covered different aspects of temporary restraining orders and orders of protection. The opening session focused on understanding the dynamics of domestic violence and how to identify the cases which involve intimate partner violence. Speakers included domestic violence victim advocates, military representatives, and Family Court judges.

In 2011, all judges statewide recently completed domestic violence training as part of an annual Spring Judicial Conference. A day and half of the two-day conference focused exclusively on domestic violence. Among the topics covered were: perpetrator characteristics, a domestic violence survivor panel, needs of domestic violence victims and service gaps in Hawaii, evidence-based practices in domestic violence cases, witness tampering and judicial interventions and practices.

The Judiciary strongly believes that rather than mandating additional domestic violence training for Family Court Judges, a more effective way to help victims is for the Legislature to increase funding to local legal services organizations. These organizations have well-trained attorneys who work very hard to assist victims but who are overwhelmed by the sheer number of victims in need of their help. Another effective strategy is for the Legislature to increase funding to local public and private agencies to develop or enhance appropriate services to the abused, the abuser, and their children.

For all of these reasons, we oppose HCR No. 61. Thank you for your attention and consideration.

**From:** Dara Carlin, M.A. [breaking-the-silence@hotmail.com]  
**Sent:** Wednesday, March 09, 2011 9:24 PM  
**To:** HUSTestimony  
**Subject:** LATE TESTIMONY! HCR61/HR54 to be heard Thursday, 03/10/11 at 10:45am

**Importance:** High

**LATE**  
**Testimony**

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

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

DATE: 03/10/11

RE: SUPPORT for HCR61/HR54

Good Morning Representatives and thank you for this opportunity to provide testimony in support of this measure.

Yesterday I sat on a panel of speakers at the Institute on Violence, Abuse and Trauma's Conference (that's on it's final day today) with new lead Family Court Judge R. Mark Browning regarding the issue of domestic violence and child abuse allegations in custody cases. Judge Browning reported that the judges received 24 hours of training on domestic violence this past year and said annual trainings on domestic violence are hosted by the Judiciary where mainland experts are brought to Hawaii to do the training. Since I haven't attended any of these trainings, I'm uncertain of what material's been taught but believe that there can never be enough training about domestic violence and all its related ills.

In requesting a training program to be developed, I would just like to offer a word of caution because not all "DV training" is sound training. Parental Alienation, Child Alienation and related alienation theories that have been scientifically debunked are extremely harmful and dangerous for victim-survivors and their children yet these theories are often widely accepted, welcomed and promoted by trainers who market themselves as Domestic Violence trainers. There are also trainers related to organizations who claim to operate under banner of domestic violence, but their teachings not only promote inaccurate information (ie: women and men are equally violent against each other; women falsely claim domestic violence to get "a leg up" in litigation) but contradict the safegaurds we have in-place that assure victim-survivors and their children safety post-separation (ie: friendly parent approaches, co-parenting). Should this measure go forward, I would strongly encourage that the training be developed according to NCJFCJ standards (the National Council of Family & Juvenile Court Judges) and in consultation with reputable domestic violence sources such as The Leadership Council and the NCADV (the National Coalition Against Domestic Violence).

Thank you again for the opportunity to provide testimony on this proposal.