

---

**Sent:** Monday, March 14, 2011 4:10 AM  
**To:** HUS testimony  
**Cc:** ddunn@honolulu.gov  
**Subject:** Testimony for SB1054 on 3/14/2011 9:00:00 AM  
**Attachments:** Testimony SB 1054 SD 1 031411 Prosecuting Attorney.doc

**LATE**  
**Testimony**

Testimony for HUS 3/14/2011 9:00:00 AM SB1054

Conference room: 329  
Testifier position: support  
Testifier will be present: No  
Submitted by: Dennis Dunn  
Organization: Department of the Prosecuting Attorney  
Address:  
Phone:  
E-mail: [ddunn@honolulu.gov](mailto:ddunn@honolulu.gov)  
Submitted on: 3/14/2011

Comments:

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

ALII PLACE  
1060 RICHARDS STREET • HONOLULU, HAWAII 96813  
PHONE: (808) 768-7400 • FAX: (808) 768-7515



Keith M. Kaneshiro  
PROSECUTING ATTORNEY

Armina A. Ching  
FIRST DEPUTY  
PROSECUTING ATTORNEY

THE HONORABLE JON M. MIZUNO, CHAIR  
THE HONORABLE JO JORDAN, VICE CHAIR

HOUSE COMMITTEE ON HUMAN SERVICES  
Twenty-sixth State Legislature  
Regular Session of 2011  
State of Hawai'i

March 14, 2011

RE: S.B. 1054, S.D. 1; RELATING TO TEMPORARY RESTRAINING ORDERS

Good morning, Chair Mizuno, Vice Chair Jordan, and members of the House Committee on Human Services, the Department of the Prosecuting Attorney submits the following testimony in support of S.B. 1054, S.D. 1, with amendments, which proposes to amend H.R.S. Chapter 586, to permit the use of electronic means in applying for a temporary restraining order.

While we readily recognize the need for greater flexibility in the process for applying to a Family Court for a restraining order, the provisions contained in S.B. 1054, S.D. 1 are unnecessarily complex, narrowly defined, and probably generally unnecessary. The inconvenience of having to access the limited number of court locations and hours that currently provide access to the temporary restraining order process often means that the most commonly utilized legal tool for protection from domestic abuse is often delayed from helping as quickly as it could. Added to this are concerns in many areas of the Neighbor Islands and parts of rural Oahu that the geographic distances from court locations contribute significantly to the lack of access for many of our rural low income communities. To address some of these obstacles the Hawaii Supreme Court authorized a pilot project for the filing of restraining orders via fax in the Second Circuit (Maui County) in July of 2007. The Judiciary has also successfully developed and implemented an electronic filing system for appellate cases. We see no reason why the Judiciary cannot extend existing processes to implement procedures via its rule making authority that can

appropriately utilize technology to increase access and improve the expediency of the TRO process.

The provisions of S.B. seem far too complicated to achieve their intended purpose. Furthermore their emphasis on getting police agencies involved in civil legal procedures for which they lack the appropriate training and expertise would seem to be a recipe for disaster. We seriously doubt that our County Police Departments wish to launch into the legal services arena, given the many difficult demands currently faced by law enforcement. Those factors alone suggest that the best approach is to limit the proposed amendments to Chapter 586 to only those absolutely necessary to permit the Supreme Court to establish the rules required to permit electronic applications for temporary restraining orders within the existing parameters of the Judiciary's electronic filing procedures. Presumably the Judiciary can appropriately determine which agencies can provide the adequate safeguards to undertake the process of assisting petitioners seeking these orders.

For the reasons cited above, we urge that you support S.B. 1054, S.D. 1, with amendments.  
Thank you for your time and consideration.

---

**Sent:** Sunday, March 13, 2011 10:26 PM  
**To:** HUS testimony  
**Cc:** edkflores@yahoo.com  
**Subject:** Testimony for SB1054 on 3/14/2011 9:00:00 AM  
**Attachments:** TestimonySB1054SD1 (1b).doc

**LATE**  
**Testimony**

Testimony for HUS 3/14/2011 9:00:00 AM SB1054

Conference room: 329  
Testifier position: support  
Testifier will be present: Yes  
Submitted by: Ed Flores  
Organization: Hawaii Family Law Clinic dba Ala Kuola  
Address:  
Phone:  
E-mail: [edkflores@yahoo.com](mailto:edkflores@yahoo.com)  
Submitted on: 3/13/2011

Comments:



TESTIMONY ON SB 1054 SD1 RELATING TO TEMPORARY RESTRAINING ORDERS  
HOUSE COMMITTEE ON HUMAN SERVICES

March 14, 2011

9:00 a.m.

Room 329

Aloha Chairman Mizuno, Vice Chair Jordan, and members of the Committee.

Thank you for allowing me to submit testimony on Senate Bill 1054 SD1.

My name is Ed Flores. I am the Executive Director of the Hawaii Family Law Clinic dba Ala Kuola, hereinafter Ala Kuola.

Currently, throughout the State, the Family Court is the entity that can process a petition for a temporary restraining order for a victim of domestic abuse/violence, although private agencies or attorneys can assist with the pro se processing.

As our organization is the only non-judicial, court appointed, private organization on Oahu who assists victims with filings of TROs in the First Circuit, I would like to take this opportunity to briefly describe the procedures to obtain a TRO on Oahu.

TROs can be processed through the Adult Client Services Branch (ACSB) of the Family Court at Kapolei and in Honolulu. For an individual to obtain a TRO through ACSB, one needs to call in advance to set an appointment and be at the appointment no later than 8:00 a.m., or the individual may need to reset an appointment. TRO's handled through ACSB are either processed at the First Circuit Court or at the Family Court in Kapolei. It is my understanding that the process takes approximately 2-3 hours. When a TRO is processed through ACSB in Honolulu, the completed petition is scanned and emailed to the Family Court in Kapolei for a

Judge's review. After review, the petition is signed by the Judge, and if granted, then filed, and a hearing notice is issued and is scanned and returned to Honolulu via email to be photocopied. It is then taken to the documents receiving clerk of the First Circuit Court to be certified. This process completes the filing of the document for distributions to the individual requesting the TRO.

TRO's processed by Ala Kuola in Honolulu are delivered to the Honolulu Circuit Court, scanned and sent via email to a Judge in Kapolei for review. If the TRO is granted, it is signed by a Judge, stamp filed with the court, scanned and returned via email back to the Honolulu Circuit Court to be returned to Ala Kuola for photocopying and finally taken back to the Circuit Court documents receiving clerk to obtain a certification stamp.

The current process and timeline would be greatly streamlined and improved with the passage of SB1054. It will expedite processing of TROs for victims and will also provide greater access to justice for these victims. This bill would also enhance accessibility to those residing on the neighbor islands that reside far from their respective courts.

I strongly support passage of SB1054 SD1.