

## **INFORMATIONAL BRIEFING Testimony for Tuesday, June 21 at 11:35am in Room 329**

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**Sent:** Thursday, June 16, 2011 7:25 PM

**To:** HUSstestimony

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

**FROM:** Dara Carlin, M.A.  
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**DATE:** June 21, 2011

**Re:** Domestic Violence Informational Briefing

Good Morning Chair Mizuno, Vice-Chair Jordan and Human Services Committee Members.

Domestic Violence (DV) is a phenomena so entrenched in myth and misperception that even those going through it often don't recognize it for what it is. Although domestic violence is most commonly thought of as **Intimate Partner Violence** (abuse occurring between two adults involved in a meaningful relationship or marriage) it also encompasses other forms of relationship violence to include child abuse, teen dating violence and elder abuse. Unless domestic violence is stopped by third parties and consistently addressed, the other abuses easily overlap each other with the passage of time.

Victims of domestic violence do not remain victims; in fact, they go through three distinct stages in terms of their DV relationship experience.

**A VICTIM is defined as the person who is on the active receiving end of the abuse.** They are either still actively involved in the relationship, living together or are in the process of leaving the relationship. All of our programs and funding for domestic violence victims services go to this specific population: hotlines, shelters, TROs, counseling support groups, the DV Welfare Exemption, advocacy and initial legal services (divorce, child custody).

**A SURVIVOR is defined as a victim who "successfully" escaped/survived the separation process from their abuser (they weren't killed).** In this stage the survivor has obtained (or has tried and failed at getting) a restraining order, the divorce is well under way or completed, they have re-established and re-settled themselves (home, employment) and completed their education about the domestic violence situation they were in. The survivors have been instructed and coached by all the professionals involved on "what to do if" the abuser violates the court orders/attempts to hurt you/your children, but at the same time, the survivors find themselves becoming trapped in the family court system for problems stemming from post separation violence, visitation or child custody proceedings. No longer eligible for any DV VICTIM services, the survivors discover the hard way and too late that the safety net they were told to jump into with their children to escape their abusive situations has a HUGE hole in it. Because they are no longer with their abuser, the Post Separation Violence they experience is not viewed as DV by the

court system and the child abuse issues that emerge (because of the high overlap between DV and child abuse) categorize the survivors as "high conflict litigants". This is the population that I exclusively work with.

**A THRIVER is defined as a survivor who has gone on to reach their full potential; with all the bad times well behind them, this is the "happily ever after" scenario the victims dream of and the survivors strive to attain.** The youngest child is now an adult, all court proceedings are over and their abuser is no longer a threat to them whatsoever. Unfortunately, I know VERY FEW Thrivers. Of the ones I do know, their abusers have either died/been killed, are too old to carry on their antics or they've had an epiphany (had a near-death experience, diagnosed with a potentially terminal condition, been in jail where once was enough). Technically, there SHOULD be some rehabilitation stories due to treatment success but I haven't met any of those yet.

All/100% of the people I work for are Domestic Violence Survivors who cannot go on to become Thrivers because they're entrapped in the family court system or Child Protective Services system.

Ironically, these very systems that were designed with the intention of preventing and ending abuse have wound up inadvertently condoning, contributing to and perpetuating the abuse they say they're committed to ending. I also have to inform you that all/100% of my time is spent NOT on clinical issues related to the survivor's abuse or abusers, but in correcting the mistakes of the professionals assigned to assist them. ONE inaccurate evaluation, ONE therapist whose never been trained in DV, ONE custody evaluator who doesn't recognize the consequences of DV exposure on children causes a cascade of problems bigger than the abuser could even think of himself!

Rather than go into all the reasons as to why all this is happening, I'd prefer to stay solution-oriented and toss out some remedies that I see as completely do-able:

1. At the start of every Family Court and CPS case (investigation) have every client/litigant complete a DV self-assessment. For self-assessments that show signs of DV, conduct a formal face-to-face evaluation to determine or rule out DV.
2. Consistently enforce court order violations and apply fines. Just like motor vehicle violations, assign tickets with fees. Not only will you see a decline in shenanigans, but you'll be bringing in desperately-needed revenue.
3. Along the same lines of financial conservation, create a DV Unit within each CPS Unit. When a DV is missed in a CPS case, not only can tragic consequences ensue but the financial costs to the state of these errors are staggering (lawsuits, foster care placements, evaluations and assessments) and create a resource drain (foster care homes, wait lists) as well as cause unnecessary trauma for the victims (and survivors) by "getting it wrong".
4. Impose a fine for Multi-Disciplinary Team meetings and Ohana Conferences where service providers are excluded from such meetings. This is easy to accomplish in terms of figuring out whose involved in a case because each client can easily identify who is/is not a part of their treatment team. I have been consistently excluded (despite policies to the contrary) from MDTs where tragic results have resulted because the information I had was not included or contributed during the assessment, review and evaluation (ie: the Paige Calahan case); therefore the conclusions reached were faulty and inaccurate because critical information was not considered. Worse is that these faulty conclusions were used as and considered to be expert forensic evidence in court proceedings.
5. Establish a specialized Domestic Violence Court (like the Drug Court, Girls Court, 0 - 3 Court) where all issues pertaining to DV will be heard. The biggest problems facing DV survivors are:

- a. being dragged back into court proceedings at-will by their abusers for YEARS
- b. the court failing to recognize the foundation of domestic violence in the case years down the road
- c. the abusers not being held accountable for their post separation violence tactics
- d. the survivors being held as equally responsible for the problem/s as the abusers

Actually, if everyone just followed the **571-46(9)** statute as it was intended (NOT interpreted as a legal argument to be overcome, etc.) the majority of the cases that everyone hates to hear about would be a rarity. The survivors have no desire to fight, cause problems or complain but when they are lied to, deceived and failed with their children paying the highest price for their gamble of fleeing an abusive relationship for a better, safer life they will not rest until they see the justice they were promised.

Thank you for allowing me the opportunity to provide testimony on this important matter.

Respectfully,

Dara Carlin, M.A.  
Domestic Violence Survivor Advocate