



The Judiciary, State of Hawaii

Testimony to the House Committee on Human Services

Representative John M. Mizuno, Chair

Representative Jo Jordan, Vice Chair

Monday, January 30, 2012, 8:30 a.m.

State Capitol, Conference Room 329

by

R. Mark Browning

Deputy Chief Judge/Senior Judge

Family Court of the First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 2051, Relating to Domestic Violence

Purpose: Requires the Family Court to maintain a computerized database containing information regarding covered offenders who have at least three convictions of abuse of a family or household member. Specifies information the database must contain. Allows a covered offender, whose name is included in the database, to petition for removal of the covered offender's name under certain circumstances.

Judiciary's Position:

The Judiciary takes no position on the merits of this bill, but offers the following comments. The Judiciary would need sufficient appropriations, over and above its current budget requests, to develop, implement, and maintain the public database that is mandated by this bill.

Thank you for the opportunity to submit testimony on this matter.

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

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

DATE: January 30, 2012

RE: **Strong Support** for HB2051, Relating to Domestic Violence

Good Morning Representatives and thank you for this opportunity to provide testimony on this measure.

This is an excellent proposal because it provides multiple benefits.

PREVENTION is always talked about as a key component to ending domestic violence and this database could act as such a tool, ie: although the website appeared to be initiated to let women know about potential cheating boyfriends, **Don't Date Him Girl.com**, has also been able to forewarn women about potentially dangerous and abusive men. While *Don't Date Him Girl* is a social networking site, a database in family court like this would be extremely valuable in helping to avert girls and women from engaging in relationships known abusers. I can't begin to tell you how many times I've heard "If I only knew then what I know now" and by the time the survivors have such "wisdom" it's already too late.

The database would also be valuable to judges and survivors with ongoing custody and visitation cases in family court because domestic violence is often forgotten about, ignored as a factor or "litigated away" throughout the years. An abuser being on such a database would remind the court that what they're looking at is a DV case and would keep such cases in-tandem with our DV statutes that also end up being forgotten about, ignored as a factor or "litigated away" throughout the years.

Having a database of covered offenders would also assist in alleviating other issues in family court visitation and custody cases such as when the abuser has a new girlfriend or wife who will "vouch for" the abuser's non-abusiveness. Many abusers are not serial abusers, meaning they have a primary victim.

When an abuser has a primary victim, everyone else on the planet (except for the secondary victims - the children) sees "a great guy" whose never done any of the things the primary victim is reporting he did. With such strong testimony against his abusiveness, it's easy for "someone new" to assist in erasing the abuser's known history of abuse with his primary victim which can lead to increased and/or unsupervised visitations (in contradiction of state statute) or even a change in custody. When DV is ignored or forgotten about in such cases, the incidence for child abuse rises substantially while the safety for both the primary and secondary victims dramatically declines.

Exposing covered offenders may also contribute to deterring domestic violence altogether because abuse occurs in secrecy and silence; abusers don't typically enjoy an audience and don't like public embarrassment. A former judge from Texas (now a congressman) **Ted Poe** used to use shame and embarrassment as tactics to deter crime and abuse and this unique form of accountability that he termed "*Poetic Justice*" actually worked.

Respectfully,

Dara Carlin, M.A.

Domestic Violence Survivor Advocate