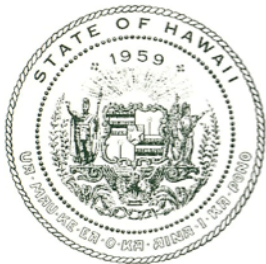


HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN



Chair
LESLIE WILKINS

COMMISSIONERS:

SHERRY CAMPAGNA
CYD HOFFELD
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MARILYN LEE
AMY MONK
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Executive Director
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February 9, 2016

To: Representative Dee Morikawa, Chair
Representative Bertrand Kobayashi, Vice Chair
Members of the House Committee on Human Services

From: Cathy Betts, Executive Director
Hawaii State Commission on the Status of Women

Re: Testimony in Support, HB 1905

The Commission supports HB 1905 which would prohibit courts from issuing mutual protective orders in instances where the respondent has not filed the requisite cross petition alleging details to substantiate the need for a protective order.

Through multiple community discussions with victims and victim service providers, we have been notified of multiple instances where a court has issued a “mutual” protective order and essentially told two parties to stay away from each other. This negates the purpose of the initial petition for a temporary restraining order and undermines basic fundamental rights to notice and due process for the initial petitioning party. Additionally, it allows the court to avoid the process of fact finding, thereby deeming both parties as “potentially abusive”. This has serious implications for child custody proceedings and child welfare proceedings.

Most victims do not ever file a petition for a restraining order, nor do they ever seek outside resources or help. For those that are able to make that step, we should be doing more to support them through the process without re-victimizing them. The Commission respectfully requests that this Committee pass this measure.

Thank you for this opportunity to testify.

kobayashi2-Jessi

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 10, 2016 8:02 AM
To: HUS testimony
Cc: rkusumoto@pacthawaii.org
Subject: *Submitted testimony for HB1905 on Feb 11, 2016 09:30AM*

Categories: Red Category

HB1905

Submitted on: 2/10/2016

Testimony for HUS on Feb 11, 2016 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Kusumoto	Parents And Children Together	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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February 10, 2016

To: Hawaii State House Committee on Human Services
Hearing Date/Time: Tuesday, February 11, 2016 (9:30 a.m.)
Place: Hawaii State Capitol, Rm. 329
Re: Testimony of American Association of University Women –
Hawaii in **support of H.B. 1905**, relating to domestic abuse
protective orders

Dear Representative Dee Morikawa (Chair), and Representative Bertrand Kobayashi (Vice Chair), and Members of the Committee,

I am grateful for this opportunity to testify in **strong support of H.B. 1905**, which would decrease the court's approval of mutual protection orders, except in the few cases which are justified.

My testimony is on behalf of the approximately 400 members of the American Association of University Women (AAUW) in Hawaii, who list gender-based violence as an important current concern.

This submission is informed by many years of work in the field of domestic violence, and research conducted with survivors of intimate partner violence. In addition, when I lived in New Zealand, I managed a 24-hour, 7-days/week domestic violence hotline, and trained Advocates for Women to respond skillfully and empathetically to survivors of violence. At many times, we worked with police, courts, and other service agencies on behalf of survivors. At that time, New Zealand did not permit mutual protection orders. Previously, courts had allowed mutual protection orders, resulting in the same sort of messy situation, documented by the Hawaii State Commission on the Status of Women, and other local survivor-focused support groups.

In conclusion, passage of H.B. 1905 is an important step in improving justice for victims of domestic violence, typically women, as demonstrated by extensive research.

Thank you for the opportunity to testify.

Sincerely
Susan J. Wurtzburg, Ph.D.
Policy Chair

Edward Thompson, III

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 09, 2016 10:45 AM
To: HUS testimony
Cc: lawrencejholbrook@gmail.com
Subject: Submitted testimony for HB1905 on Feb 11, 2016 09:30AM

HB1905

Submitted on: 2/9/2016

Testimony for HUS on Feb 11, 2016 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Lawrence J Holbrook	Individual	Oppose	No

Comments: Honorable Representatives: To OPPOSE HB1905. Where domestic violence occurs, everyone becomes a victim. HB1905 would remove a Judges discretion to order mutual protective orders where the complainant is a perpetrator as well as a victim. Complainants often have Pro Bono legal counsel from a very well funded infrastructure for advocates of domestic violence victims. This bill would put at a disadvantage respondents who are unaware that an Ex Parte petition has been filed. Also, Respondents are often unfamiliar with the law and usually do not seek expensive counsel from lawyers prior to TRO hearings. In most cases, respondents do not have access to free legal counsel. In every TRO, the court must trivialize the complex interpersonal relationship of the parties to determine one winner and one loser. TROs often lead to the loss of family, loss of job and loss of home for the alleged perpetrator. For the alleged victim, TROs tear apart the family, deny children access to one parent, and lead to life-long emotional problems. In the short and long-term, domestic partners who have experienced violence both lose. This bill ignores the fact that family conflict is equally initiated by either partner and that both partners are often responsible for the escalation of events to the level of domestic violence. This is not blaming the victim. This is the reality that, in domestic violence, everyone is a victim. Lawrence J. Holbrook Nuuanu, HI 808-735-8426

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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LATE

DEPARTMENT OF THE PROSECUTING ATTORNEY
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FIRST DEPUTY PROSECUTING ATTORNEY



**THE HONORABLE DEE MORIKAWA, CHAIR
HOUSE COMMITTEE ON HUMAN SERVICES
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawai`i**

February 11, 2016

RE: H.B. 1905; RELATING TO DOMESTIC ABUSE PROTECTIVE ORDERS.

Chair Morikawa, Vice-Chair Kobayashi, members of the House Committee on Human Services, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support of H.B. 1905.

The purpose of H.B. 1905 is to prohibit the practice of issuing mutual protective orders. The issuance of mutual Protective Order typically occurs under circumstances where victims of domestic abuse are convinced, without the advice of an attorney, that it is beneficial to them agree to a mutual Order and avoid a full trial on the issue of granting the petitioner a full Protection Order. The problems with issuance of mutual orders are twofold. First a mutual order leaves the impression that the abuse committed was mutual, which is typically not the case and has clearly not been adjudicated as such. Ultimately the victim may be blamed for or feeling like the violence committed against them was their fault. Secondly the enforcement of violations of a mutual Protective are very problematic because perpetrators will frequently file cross complaints with the police under circumstances where they have violated the Protective Order arguing that the victim is also in violation of the order since it is mutual. This type of circumstance often stymies prosecutors and discourages police from enforcing or even knowing how to effectively enforce such orders. Mutual Protective Orders become an obstacle for victims seeking safety not the protection that they are seeking when they apply for a Protective Order. While protective orders are intended to protect a victim of abuse from imminent threat of abuse or further domestic abuse, mutual protective orders can present a variety of problems that may be contrary to the purpose of a protective order.

For all of the reasons stated above, the Department of the Prosecuting Attorney of the City and County of Honolulu supports H.B. 1905. Thank you for the opportunity to testify on this matter.



Hawaii Women's Coalition

LATE

COMMITTEE ON HUMAN SERVICES
Rep. Dee Morikawa, Chair
Rep. Bertrand Kobayashi, Vice Chair

DATE: February 11, 2016
TIME: 9:30 a.m
PLACE: Conference Room 329

STRONG SUPPORT FOR HB1905 relating to Domestic Violence

Good afternoon Chair Morikawa, Vice Chair Kobayashi, and members. The Hawai'i Women's Coalition is in **strong support of HB 1905** would prohibit courts from issuing mutual protective orders in instances where the respondent has not filed the requisite cross petition alleging details to substantiate the need for a protective order.

It is all too common for the perpetrator of domestic violence to try to gain leverage over the victim by getting an easily acquired counter-TRO. Restraining orders are supposed to protect the victim, but too often are not worth the paper they are printed on. This bill would address one aspect of dysfunction in the system.

The Coalition is in strong support of this bill. Please pass the important bill out of committee.

Mahalo for the opportunity to testify,
Ann S. Freed Co-Chair, Hawai'i Women's Coalition
Contact: annsreed@gmail.com Phone: 808-623-5676

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1566 Wilder Avenue
Honolulu, Hawai'i 96822
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YWCA Kokokahi
45-035 Kāne'ohe Bay Drive
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(808) 538-7061

www.ywcaoahu.org

February 11, 2016



To: Honorable Dee Morikawa, Chair
Honorable Bertrand Kobayashi, Vice Chair
House Committee on Human Services

From: Noriko Namiki, Executive Director
YWCA O'ahu

Re: Testimony of in support of H.B. 1905, Relating to Domestic Abuse Protective Orders
Thursday, February 11, 2016, 9:30 a.m. -- Hawaii State Capitol, Rm. 329

Good morning Chair Morikawa, Vice Chair Kobayashi, and members of the committee:

On behalf of YWCA O'ahu we thank you for the opportunity to share our testimony in **strong support of HB 1905** relating to domestic abuse protective orders.

The process that a victim/survivor engages in to obtain a restraining order can feel ambiguous, frightening, and vulnerable. Pursuing a restraining order against an intimate partner is sometimes a step to seek safety and peace, and most certainly requires courage. When a victim takes this courageous step and ultimately has the unfortunate outcome of a mutual restraining order issued against her as well, potential impact on the victim is devastating. The consequences of this action not only include a negative experience for the victim for seeking court protection but may also include a variety of other challenges for the petitioner as well.

In the instance that both parties are truly a safety concern to one another, it is reasonable to expect the same process be followed for a protective order to be issued by the courts. We urge the committee to eliminate the spontaneous issuance of a mutual protective order at an Order to Show Cause Hearing and instead expect each citizen of this community to follow the same process should they require assistance from the courts in the form of a protective order.

This bill highlights, enhances, and underlines our criminal justice's commitment to due process rights in court proceedings and strengthens the Court's response to those who have the need, and the courage to seek a protective order as a vehicle to safety.

Thank you for your consideration and for the opportunity to provide testimony on this matter.

hscadv



HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

February 10, 2016

LATE

To: House Committee on Human Services
Representative Dee Morikawa, Chair
Representative Bertrand Kobayashi, Vice Chair

From: Michelle Rocca, Training and Technical Assistance Director
Hawaii State Coalition Against Domestic Violence

Re: Testimony in Support of HB 1905

Good afternoon Chair Morikawa, Vice Chair Kobayashi, and members of the committee. On behalf of the Hawaii State Coalition Against Domestic Violence we thank you for the opportunity to share our testimony in **support of HB 1905** relating to domestic abuse protective orders.

The process that a victim/survivor engages in to obtain a restraining order can feel ambiguous, frightening, and vulnerable. Pursuing a restraining order against an intimate partner is a step in the direction to seek safety and peace, and most certainly requires courage. When a victim takes this courageous step and ultimately has the unfortunate outcome of a mutual restraining order issued against her as well, the message to the victim is devastating. The consequences of this action not only include a negative experience for the victim for seeking Court protection but may also include a variety of other challenges for the petitioner as well.

In the instance that both parties are truly a safety concern to one another, it is reasonable to expect the same process be followed for a protective order to be issued by the courts. We simply urge this committee to eliminate the spontaneous issuance of a mutual protective order at an Order to Show Cause Hearing and instead expect each citizen of this community to follow the same process should they require assistance from the Courts in the form of a protective order.

This bill highlights, enhances, and underlines our criminal justice's commitment to due process rights in court proceedings and strengthens the Court's response to those who have the need, and the courage to seek a protective order as a vehicle to safety.

Thank you for your consideration and for the opportunity to provide testimony on this matter.

kobayashi2-Jessi

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 10, 2016 4:26 PM
To: HUS testimony
Cc: amymonk99@hotmail.com
Subject: *Submitted testimony for HB1905 on Feb 11, 2016 09:30AM*



HB1905

Submitted on: 2/10/2016

Testimony for HUS on Feb 11, 2016 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Monk	Individual	Support	No

Comments:

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